THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3314 of 2015

ORDER:

The writ petitioners question the Memo dated 08.12.2014 issued by the 2nd respondent-Tahsildar, and seek a direction to him to pass orders on their application for mutation of their names in the revenue records.

2. The case of the petitioners is that consequent to the demise of their mother who was the original pattadar and possessor of land admeasuring Ac.4-20 gts in Survey No.110/E in Pasaragonda village, Atmakur mandal, Warangal district, they made an application before the 2nd respondent for mutation of their names in the revenue records. The 2nd respondent issued the impugned Memo stating that there are civil disputes over the property and hence the petitioners have to sort them out in a Court of Law. The petitioners state that the property in question is a joint family property and succession to the said property is not disputed, and hence they are legally entitled for mutation of their names in the revenue records and the 2nd respondent is bound to entertain their application for mutation.

3. Heard the petitioners' counsel, the learned Government Pleader and perused the record.

4. At the hearing, the petitioners' counsel fairly concedes that though the petitioners made an application for mutation, the said application is not in the requisite format which is Form-VI (A), as specified under the A.P. Rights in Land and Pattadar Passbooks Act, 1971.

5. It is appropriate to notice that in terms of Section 4 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), any person acquiring by succession or survivorship or inheritance or by partition or by way of a decree from a Court any right as owner, pattadar, mortgagee, occupant or tenant of a land, shall intimate, in writing, his/her acquisition of such right to the Mandal Revenue Officer within 90 days from the date of such acquisition and then, the Mandal Revenue Officer shall give an acknowledgment of the receipt of such intimation. Thereafter, under Section 5 of the said Act, the Mandal Revenue Officer shall determine as to whether

and, if so, in what manner, the Record of Rights may be amended in consequence of the Application made and carry out necessary amendments in the Record of Rights in accordance with such determination. It will also be appropriate to notice that Rules were also framed in 1989 for giving effect to the provisions of the Act; and as per Rule 9, after due completion of enquiry, the recording authority shall pass orders in respect of cases requiring change of registry necessitated by succession, when it is not disputed. Form VI (A) is prescribed as the proper form for intimation of acquisition of rights in terms of Section 4 of the Act, as per sub-rule (2) of Rule 18 of the Rules.

6. Inasmuch as the application is not in the prescribed format, I deem it appropriate to dispose of the writ petition by giving liberty to the petitioners to submit their application in Form-VI (A) to the recording authority, i.e., the 2nd respondent-Tahsildar. Within three months of such application by the petitioners, the Tahsildar, in exercise of his powers under Section 5 of the Act and the Rules made there under, shall pass appropriate orders, in accordance with law. No order as to costs.

7. Accordingly, the writ petition is disposed of. No costs.

Pending miscellaneous petitions shall stand closed.

CHALLA KODANDA RAM, J

16th February, 2015
ksm