

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9805 OF 2015

ORDER:

Petitioners filed this Writ Petition to declare the action of the respondents in circulating the list under Section 22-A of the Registration Act, including Sy.No.181 to an extent of Ac.1-70 cents situated in Kagithalagudem village, Cumbum Mandal of Prakasam District, as wakf property, as the said list is in contravention of revenue entries and the transactions that had taken place for over a period of 100 years, and also to declare the action of the respondents 1 to 4 in not issuing pattadar passbooks to the petitioners in respect of the subject property as illegal, arbitrary and contrary to the provisions of the A.P. Rights in Land and Pattadar Pass Book Act, 1971 (in short "the Act") and consequently direct the respondents 1 to 5 to treat the subject land as a private patta land and issue pattadar pass books and title deeds to the petitioners as per the provisions of the Act.

Learned counsel for the petitioners submits that as per the registered sale deeds dated 28.07.2011, 05.01.1971, 29.06.1976 and 25.11.1957, the petitioners 1 to 3 became the owners of the land in Sy.No.181 over an extent of Ac.1-70 cents. It is further submitted that the petitioners also made an application before the 2nd respondent on 17.07.2014, seeking for alteration of revenue records and to mutate their names in the revenue records and for issuance of pattadar passbooks and title deeds in their favour as provided under Secs.4 and 5 read with Rule 9 of the Act. It is further submitted that since there was no development on their application, petitioners approached the 4th respondent-Tahsildar, who is competent authority under the Act, and the Tahsildar has informed the petitioners that the case of the petitioners is not being processed on account of the Notification issued under Sec. 22-A of the Registration Act, wherein the land in Sy.No.181 was recorded as "Devadayam (Khaji)", but the respondent authorities have not communicated anything why the mutation has not been done by issuing any proceedings as such.

Having considered the submissions of the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue and the learned Standing Counsel for Wakf Board, and in the absence of any order having been passed by the respondent authorities, writ petition need not be kept pending. However, considering the assertion on affidavit of the petitioners that the 4th respondent had informed the reasons for non-processing the application of the petitioners, is of alleged Notification issued under Sec.22-A of the Registration Act, and the submission made the learned counsel for the petitioners that the petitioners made an application dated 17.07.2014 to the 2nd respondent for issue of pattadar passbooks and to mutate their names in the revenue records, a direction be issued to the petitioners as well as to the respondent authorities.

Accordingly, the petitioners are given liberty to file their applications in Form-VI (A) to the recording authority, i.e., the 4th respondent-Tahsildar. Within eight weeks of such applications 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. In the event the processing of the application is not being on account of the reasons stated by the petitioners, the same shall be communicated to the petitioners in writing. On the other hand, if there is no objection and the reasons for non-processing the applications of the petitioners is on account of any other reason, the same also shall be communicated to the petitioners.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J

Dated:08.04.2015.

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