

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.12973 of 2015

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Between:

Uppala Prasada Rao

PETITIONER

AND

1. State of Andhra Pradesh, rep. by its District Collector, Prakasam District at Ongole, and others.

RESPONDENTS

ORDER:

The petitioner claims to be an ex-serviceman having worked as sainik in Army. He was assigned an extent of Ac.5.00 cents in Survey No.271 of Mangamuru Village, Santhanuthalapadu Mandal, Prakasam District under Ex-serviceman quota vide DKT patta No.2/1403 dated 01.02.1994, and since then he was in exclusive possession and enjoyment of the said property. He made an application dated 28.01.2015 to the 3rd respondent in Form 6A to mutate his name in the revenue

records and to issue pattadar passbook and title deed under the provisions of A.P. Rights in Land and Pattadar Passbooks Act, 1971. His grievance is that having received the application till date the 3rd respondent did not pass any orders. Hence he approached this Court by way of this writ petition.

Heard learned counsel for the petitioner, learned Government Pleader for Revenue (A.P.) for respondents.

As per Section 4 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 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 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 the necessary amendment 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. 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 indicating intimation of acquisition of rights in terms of Section 4 of the Act, as per sub-rule (2) of Rule 18 of the Rules.

Considering the fact that the petitioner has already filed necessary application in the prescribed format, I deem it appropriate to direct the 3rd respondent to consider the application dated 28.01.2015 submitted by the petitioner and pass appropriate orders thereon in accordance with law, as expeditiously as possible, preferably within a period of six months from today.

With the above direction, the Writ Petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

29th April, 2015

Js.