

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.9701 of 2015

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Between:

B. Balakrishna

PETITIONER

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad, and another.

RESPONDENTS

ORDER:

The petitioner challenges the action of the 2nd respondent in not issuing pattadar pass books and title deeds on the application dated 25.03.2013 submitted by him under Form-IV(A) in respect of the land admeasuring Ac.15.30 3/10 cents in various survey numbers situated at Yerrakondapuram Village, Bramhasamudram Mandal, Anantapuram District, as illegal and arbitrary.

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.

A reading of Section 4 does not leave any manner of doubt that there is a duty cast on the petitioners to approach the recording authority under the Act intimating about the acquisition of right and such intimation is required to be given within 90 days. As and when such intimation is given by following necessary procedure as prescribed under Section 4 of the Act, necessary steps would be taken by the recording authority, the 2nd respondent herein under Section 5 of the Act.

Be that as it may, considering the fact that the petitioner filed necessary application in the prescribed format I deem it appropriate to direct the 4th respondent to consider the application of the petitioner and pass appropriate orders 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.

7th April, 2015

Js.