

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.9014 of 2015

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Between:

Kannegolla Naga Harish

PETITIONER

AND

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

RESPONDENTS

ORDER:

The petitioner's father claim to have purchased an extent of Ac.2.18 cents in Sy.No.1283/2A1, Ac.1.85 cents in Sy.No.1283/2A4 and Ac.0.95 cents in Sy.NO.1283/2A5 of Chinna Ananaluru, Kaligir Mandal, SPSR Nellore District through registered sale deed bearing Document No.633/1995. As the survey number was wrongly mentioned the same was rectified through rectification deed Document No.835 of 1995. Though his father's name was mutated in the revenue records as pattadar but the pattadar passbooks and title deeds were not issued to

him by the 2nd respondent. Therefore, the petitioner filed an application dated 24.01.2015 in the format prescribed by the 1st respondent while paying requisite fee. As no action has been taken so far on the said application, the petitioner filed the present writ petition.

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

It is appropriate to notice that in terms of 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.

Considering the fact that the petitioner filed necessary application in the prescribed format, I deem it appropriate to direct the 2nd 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.

1st April, 2015

Js.