HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8550 of 2015

ORDER:

The writ petitioner is aggrieved of the action of the 2nd respondent, in not acting upon his application vide receipt No.MUO11400141277, dated 20.09.2014 for issuance of pattadhar passbook and title deed and for mutation of her name in the revenue records.

2. The petitioner's case is that she purchased an extent of Ac.4-76 cents in Sy.No.1093-6, 1092-7, 1092-, & 1093-2 of Pragadavaram village in the public auction held on 10.04.2013 condcuted by the Assistant Registrar / Sale Officer, Eluru-I, The District Cooperative Central bank Ltd., Eluru of West Godavari District and the 3rd respondent issued sale certificate in her favour. Subsequently, though she made an application vide her application No.MU011400141277, dated 20.09.2014, to the 2nd respondent for mutation of her name in the Revenue Records and for issuance of pattadar passbook and title deed with respect to the above said land, till date no action is taken upon her application by the 2nd respondent.

3. Heard the petitioner's counsel and the learned Government Pleader for Revenue (A.P.), and perused the record.

4. At the hearing, the petitioner's counsel fairly concedes that though the petitioner made an application for issuance of pattadar passbook and title deed and for mutation of her name in the revenue records with respect to the schedule land, 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 (for short, 'the Act').

5. It is appropriate to notice that in terms of Section 4 of 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 petitioner's application is not in the prescribed format, I deem it appropriate to dispose of the Writ Petition by giving liberty to the petitioner to submit her application in Form-VI (A) of the Act to the recording authority, i.e., the 2nd respondent-Tahsildar. Within three months of such application by the petitioner, the Tahsildar, in exercise of his powers under Section 5 of the Act and the Rules made thereunder, shall pass appropriate orders, in accordance with law.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

30th March, 2015.

SSV