

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.26009, 26012, 26075, 26104 OF 2016

COMMON ORDER:

Heard.

2. The grievance of petitioners precisely in these writ petitions is that though they submitted applications in the prescribed format under Form-VI(A) for issuance of pattadar passbooks and title deeds in respect of their respective subject lands mentioned in the writ petitions, the third respondent has not acted upon the said application till date.

3. At the hearing, the petitioners' counsel fairly concedes that though petitioners made applications for mutation in the prescribed format which is Form-VI (A), as specified under the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act'), the third respondent-Tahsildar did not choose to take any steps in the matters and hence they pray to direct the third respondent-Tahsildar to issue the pattadar pass books and title deeds in the favour of the petitioners.

4. 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 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.

5. Inasmuch as the petitioners' applications is in the prescribed format i.e., Form VI(A), I deem it appropriate to dispose of these writ petitions with a direction to the third respondent-Tahsildar, to consider the applications of the petitioners for issuance of pattadar pass books and title deeds, within a period of three (3) months from the date of receipt of copy of this order, in exercise of his powers under Section 5 of the Act and the Rules made there under and pass appropriate orders, in accordance with law.

With the above observations, the writ petitions are disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

August 4, 2016
LMV