

HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 4032 of 2016

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ORDER:

Heard learned counsel for the petitioners and the Government Pleader for Revenue appearing for the respondents.

The petitioners claim to be the owners of Ac.1.04 cents each in Survey Nos.948/B/2 and 948/B/1 situated at Thatikonda Village, Station Ghanpur Mandal, Warangal District, and in possession and enjoyment of the same. They claim to be the successors by inheritance from their forefathers. It is stated that after the death of their father, the petitioners already partitioned the land among themselves under a registered partition deed bearing document No.225 of 1960 dated 02.03.1960. It is also stated that in the absence of the petitioners from India, the said land was mutated in favour of third parties, for which the petitioners made a representation before the 3rd respondent on 09.04.2015 requesting to effect mutation and issue pattadar passbooks in their favour. Alleging inaction on the part of respondent Nos.2 and 3, the present writ petition is filed.

It is, however, evident from the record that the petitioners have not made a proper application in accordance with the A.P. Rights in Land and Pattadar Passbooks Act, 1971 and the Rules which require the petitioners to apply in a prescribed proforma by paying necessary fee. Hence, in the absence of such a statutory application, mandamus as sought for cannot be granted. However, the petitioners are at liberty to make a proper application in accordance with the Act and the Rules referred to above and, if such an application is made, the 3rd respondent shall examine the same and pass appropriate

orders within 45 days from the date of receipt of such application.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed.

VILAS V. AFZULPURKAR, J

9th February, 2016

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