

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20832 OF 2016

ORDER:

This writ petition is filed declaring the action of the respondents in rejecting the application of the petitioners for mutation and issuance of e-pattadar passbooks vide endorsement dated 26.05.2016, as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners' application for mutation and issuance of pattadar passbooks was rejected on the ground that the subject land is shown as a Government land in R.S.R. entry. He also submits that this Court while disposing of W.P.22450 of 2010 on 09.12.2010 held that mere entry in R.S.R. will not constitute proof of title and in the absence of any other revenue record showing the land as Government land, it cannot be said that there is dispute regarding title.

Heard the learned Assistant Government Pleader for Revenue.

Admittedly, petitioners were not issued any notice before passing the orders on the application made by them and this Court in W.P.No.22450 of 2010 held as under:

“In view of the settled legal position that mere entry in R.S.R. will not constitute proof of title and in the absence of any other revenue record showing the land as Government land, it cannot be said that there is a dispute regarding title. At any rate, mere registration of a conveyance deed does not create title in the transferee. If the Government feels that the property belongs to it, it can always avail appropriate remedy to assert its title and claim the property. Mere registration of the sale deed would not come in the way of the Government in asserting its right and availing appropriate remedy.”

In view of the same, the impugned order is set aside and the 2nd respondent is directed to consider the application of the petitioners in terms of the order in W.P.No.22450 of 2010 and pass appropriate orders

in accordance with law, within a period of four (04) weeks from the date of receipt of copy of this order, after giving an opportunity of hearing to the petitioners.

With the above direction, this writ petition is disposed of. No costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

17-08-2016
dv