

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24044 of 2016

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ORDER:

The writ petitioners are aggrieved of the action of the

4th respondent-Tahsildar in not acting upon their applications dated 01.10.2015 for mutation of their names in the revenue records and issuance of pattadar pass books and title deeds.

2. The petitioners' case is that they have purchased certain properties and hence they submitted applications on 01.10.2015 to the 4th respondent, seeking mutation of their names in the revenue records and issuance of pattadar pass books and title deeds in respect of the lands that pertain to them. They state that the 4th respondent is not initiating any action on the applications submitted by them on 01.10.2015.

3. Heard the petitioners' counsel, the learned Government Pleader and perused the record.

4. At the hearing, the petitioners' counsel fairly concedes that though the petitioners submitted applications for mutation of their names in the revenue records and issuance of pattadar pass books and title

deeds, the said applications are not in the prescribed format which is Form-VI (A), as specified under the Andhra Pradesh Rights in Land and Pattadar Pass Books 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 would 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 petitioners' applications are not in the prescribed format, I deem it appropriate to dispose of the writ petition by giving liberty to the petitioners to submit their applications in Form-VI (A) to the recording authority, i.e., the 4th respondent-Tahsildar. Within four months of such applications submitted by the petitioners, the Tahsildar, in exercise of his powers under Section 5 of the Act and the Rules made there under, shall pass appropriate orders, in accordance with law.

7. Accordingly, the writ petition is disposed of.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

1st AUGUST, 2016.

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