

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25840 of 2016

ORDER:

The writ petitioners are aggrieved of the inaction of the 4th respondent Tahsildar, Singarayakonda Mandal in considering the representation dated 23.06.2016 for mutation of their names in the revenue records.

The case of the petitioners is that after the death of their mother, they have been in possession and enjoyment of the land admeasuring Acs.2.70 cents in Survey No. 658/1 situated at Somarajupalli Village, Singarayakonda Mandal, Prakasam District. Hence, they have submitted the representation dated 23.06.2016 to the 4th respondent seeking mutation of their names in the revenue records in respect of the abovesaid land. But, so far, no action has been taken thereon. Hence, this Writ Petition.

Heard learned counsel for the petitioners as well as learned Government Pleader for Revenue (Andhra Pradesh).

At the hearing, the petitioners' counsel fairly concedes that the representation dated 23.06.2016 is not in the prescribed format i.e. Form-VI (A), as specified under the A.P. Rights in Land and Pattadar Passbooks Act, 1971.

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.

Inasmuch as the representation dated 23.06.2016 is not in the prescribed format, I deem it appropriate to dispose of the Writ Petition by giving liberty to the petitioners to submit their Application in Form-VI (A) to the recording authority, i.e. the 4th respondent Tahsildar. Within three months therefrom, the 4th respondent, 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. No costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

10th August 2016

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