

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33383 OF 2016

ORDER:

The only ground on which the petitioner assailed the impugned order is that no notice was issued to him as provided under proviso to Section 5(1) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 before passing the impugned order wherein the application of the petitioner for mutation of his name in the revenue records and for correction in adangal, was rejected.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Proviso to Section 5(1) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 reads as follows;

“5. Amendment (and updating of Record of Rights):-

(1) On receipt of intimation of the fact of acquisition of any right referred to in Section 4, the (Mandal Revenue Officer) shall determine as to whether, and if so in what manner, the record of rights may be amended in consequence therefore and shall carryout the amendment in the record of rights in accordance with such determination:

Provided that no order refusing to make an amendment in accordance with the intimation shall be passed unless the person making such intimation has been given an opportunity of making his representation in that behalf.”

A perusal of the impugned proceedings dated 08.09.2016 goes to show that no notice was issued to the petitioner before rejecting his application. As such, only on the ground of violation of principles of natural justice and violation of proviso to Section 5(1) of the Act, the impugned order dated 08.09.2016 issued by

the 2nd respondent is set aside and the 2nd respondent is directed to dispose of the application of the petitioner after issuing notice to the petitioner and affected parties, if any.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

30.09.2016
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A.RAJASHEKER REDDY, J

