

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26600 OF 2016

ORDER:

The grievance of the petitioner precisely in this writ petition is that though the petitioner submitted an application in Form-VI(A) on 12.12.2015 for issue of pattadar passbook and title deed in respect of the land in a total extent of Ac.3-32 cents in S.No.2-2 of Kondavallipadu Village, Ozili Mandal, SPSR Nellore District, but the 4th respondent has not acted upon his application till date.

2. At the hearing, the petitioner's counsel fairly concedes that though the petitioner made an application for mutation in the prescribed format which is Form-VI (A), as specified under the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act'), the 4th respondent-Tahsildar did not choose to take any steps in the matter and hence he prays to direct the 4th respondent-Tahsildar to issue the pattadar pass book and title deed in favour of the petitioner.

3. 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.

4. Inasmuch as the petitioner's application is in the prescribed format i.e., Form VI(A), I deem it appropriate to dispose of the writ petition with a direction to the 3rd respondent-Tahsildar, to consider the application of the petitioner for issuance of pattadar pass book and title deed, within a period of three months from the date of receipt of copy of this order, in exercise of his powers under Section 5 of the Act and the Rules made there under and pass appropriate orders, in accordance with law.

5. With the above observations, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

August 11, 2016
LMV