

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 15301 OF 2016

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ORDER :
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It is the case of the petitioner that he has made an application dated 19.12.2014 to the 4th respondent for mutation of his name in the revenue records, basing on the Will Deed dated 06.06.2014 said to have been executed by his grand father Sri Bakaram Janga Reddy in his favour. The 4th respondent passed impugned order dated 06.01.2016 stating that there is no land available in the name of testator and that the transfer of patta rights cannot be passed on the plain Will Deed.

Heard Sri D.Prakash Reddy, learned Senior Counsel appearing for the petitioner, who submits that the petitioner's application dated 19.12.2014 is prior in point of time. He would further contend that the petitioner is not a party to the so called suits mentioned in the impugned order, basing on which the petitioner's application was rejected. He submits that the name of the testator of Will Deed is also reflected in the pahani obtained on 12.04.2016, as such, the order of the 4th respondent dated 06.01.2016 is without any application of mind.

On the other hand, learned Government Pleader for Revenue submits that there is a direction in the suits that several suits are pending against the testator.

A perusal of the impugned order does not show what is the decree passed in the suits referred to and that are alleged to be pending against the testator of the Will Deed and that the observation of the 4th respondent that transfer of patta cannot be basing on the Will Deed, as per the provisions of ROR Rules, is also erroneous, as registration of Will is compulsory as per the provisions of the Registration Act, 1908.

In view of above facts and circumstances, the impugned order of the 4th respondent dated 06.01.2016 is set aside. However, the 4th respondent is directed to dispose of the application of the petitioner, after issuing notice to the petitioner and also all the affected parties, by passing a reasoned order.

Accordingly, this writ petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

A.RAJASHEKER REDDY, J

08.06.2016.
kvs

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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