THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26359 of 2016

ORDER:

The writ petitioners are aggrieved of the action of the respondents 2 to 4, in not acting upon their application dated 01.10.2015 for mutation of their names in the revenue records.

2. The petitioners' case is that they are the absolute owners, enjoyers and possessors of certain extents of agricultural lands in Survey Nos.132/2C, 183/2, 183/3, 133/4, 133/3 of Dondlapalli Revenue Village in Pullampet Mandal apart from an extent of Ac.6-20 cents in Sy.No.531/2 of Ananthaiahgaripalli Revenue Village in Pullampet Mandal of kadapa District. They acquired the said property under a Registered Sale Deed dated 21.02.2015 from their vendor Perugu Venkata Subbamma; and their vendor was issued with pattadar passbooks and title deeds for the said land and her name was also recorded in online Form-I(B). It is further submitted that after purchasing the said land they approached the 3rd and 4th respondents for issuance of pattadar passbooks and they also made application through E-Seva on 01.10.2015. Though the said application was received by the 3rd and 4th respondents they did not process the same till date, which is contrary to the directions issued by the Chief Commissioner of Land Administration & Special Chief Secretary, Andhra Pradesh, dated 18.11.2014. Hence the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue (Andhra Pradesh) and perused the record.

4. At the hearing, the petitioner's counsel fairly concedes that though the petitioner made an application for mutation, the said application is not 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’).

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 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.

6. Inasmuch as the petitioners’ application 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 applications in Form-VI (A) to the recording authority, i.e., the 3rd respondent-Tahsildar. Within three months of such application 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. There shall be no order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:10.08.2016

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