

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.34328 OF 2014

ORDER :

Heard counsel for the petitioner and the Government Pleader for Revenue appearing for the respondents.

2. Petitioner had purchased an extent of Acs.35.91 cents under a registered sale deed dt.27.04.2013 from one Kongara Jayasri and she then filed an application for issuance of Pattadar Passbook and Title Deed before the 4th respondent under the A.P. Record of Rights in land and Pattadar Passbook Act, 1971.

3. By an endorsement Rc.No.17/2014 dt.15.03.2014, the 4th respondent refused to make mutation in the name of the petitioner in the revenue records and to issue pattadar passbook and title deed, on the ground that the land is in possession of 27 other villagers.

4. Petitioner questioned the same by way of appeal before the 3rd respondent and the said appeal is stated to be pending before the 3rd respondent.

5. Counsel for the petitioner states that 4th respondent had addressed a letter dt.29.09.2014 to the 3rd respondent stating that the persons in occupation of the said land are not willing to disclose their names.

6. In the counter affidavit filed by the respondents, these facts are admitted and it is stated that since the land in question is encroached by 45 other persons, it is not possible to issue pattadar passbooks.

7. The A.P. Record of Rights in Land and Pattadar Passbook Act,

1971 envisages maintenance of records reflecting the name of the owner of the land as well as the persons in occupation of the land.

8. When the petitioner has a registered sale deed in his favour in respect of the subject land and the other persons in possession are not willing to disclose their names, it is not open to the respondents to refuse to consider the name of the petitioner for mutation as well as for issuance of Pattadar Passbook and Title Deed, merely because some third parties are in possession and enjoyment of the same.

9. Since admittedly the appeal filed by the petitioner before the 3rd respondent is pending before the 3rd respondent and almost a year and half has been elapsed since then, the 3rd respondent shall decide the said appeal within six (06) weeks from the date of receipt of a copy of this order, keeping in view the above observations made by this Court and also keeping in mind the letter dt.29.09.2014 addressed by the 4th respondent to him and communicate his decision thereon to the petitioners.

10. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

11. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

04th April, 2016.
gra