

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners' grievance is that they had applied for mutation of their names in the revenue records in respect of land to an extent of Ac.50.45 cents in Sy.Nos.387, 396, 397, 398 and 401 of Thirumalayapalem, Gokavaram Mandal, East Godavari District, to respondent No.3, but respondent No.3 is not taking any action thereon.

3. Learned counsel for the petitioner submits that petitioner No.1's father, late Veerabhadra Raju had purchased entire extent under registered sale deed dt.25.10.1971 and that therefore the names of the petitioners ought to be mutated in the revenue records, in the place of late Veerabhadra Raju.

4. Counter-affidavit is filed by respondent No.3 admitting that the petitioners are in possession of the land to an extent of Ac.50.47 cents of land in the above survey numbers but stating that out of this, the petitioners have title only in respect of Ac.23.17 cents in Sy.Nos.387 and 401 of the said village and that petitioner No.1's father was only cultivating tenant in respect of the rest land of Ac.27.28 cents. Reliance is placed by the learned Government Pleader on an order passed at the instance of petitioner No.1's father, before the appellate Tribunal constituted under A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, in this regard (order dt.30.06.1982 in L.R.A.No.15 of 1980 on the file of Land Reforms Appellate Tribunal, Amalapuram).

5. Learned counsel for the petitioners contends that since the respondents admit that the petitioners have ownership of Ac.23.17 cents in Sy.Nos.387 and 401 in para-3 of the counter-affidavit filed by them, the respondents cannot have any objection for mutating the petitioners names in respect of this extent of land and that the petitioners will work out their remedies under the applicable law in regard to the extent of Ac.27.28 cents for which the respondents have declined to accept the title of the petitioners.

6. In para-3 of the counter-affidavit filed by the respondents, the respondents admit that out of Ac.50.47 cents claimed by the petitioners, the petitioners have title to the extent of Ac.23.17 cents in Sy.Nos.387 and 401. Therefore, in respect of this extent, the respondents cannot have any objection for mutating the names of the petitioners in the revenue records in the place of petitioner No.1's father. As regards other extent of Ac.27.28 cents, since it is not disputed that father of petitioner No.1 had taken a plea in the proceedings under the A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 that he is only a cultivating tenant, liberty is given to the petitioners to avail appropriate remedy under the said statute or any other law to obtain declaration about their title to the said land.

7. Accordingly, this Writ Petition is disposed of directing the respondents to effect mutation in the petitioners names in the revenue records in respect of Ac.23.17 cents in Sy.Nos.387 and 401 of Thirumalayapalem, Gokavaram Mandal, East Godavari District, within eight weeks from the date of receipt of a copy of this order and liberty is given to the petitioners to approach appropriate forum in regard to the extent of Ac.27.28 cents also claimed by them as owners. No costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

Date: 21-04-2016

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