

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20973 OF 2016

ORDER:

The case of the petitioner is that 3rd respondent issued endorsement vide Rc.No.B/15/2015 dated 13.07.2015, rejecting the application of the petitioner for mutation of his name in the Adangals and for grant of Pattadar Pass Books and Title deeds in respect of the land to an extent of Ac.3.64 cents in Sy.No.78/1A and Ac.6.12 cents in Sy.No.78/1C of Kanchikacherla Village and Mandal, Krishna District, on the ground that there is a civil dispute against the said land. Thereafter, again the petitioner filed application dated 07.07.2015 requesting for correction of entries in respect of the said land in Adangals and for issuance of Pattadar Pass Books and the same is not being disposed of till today. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that though litigation between the 4th respondent and the wife of the petitioner was pending the name of the wife of the petitioner was deleted and the name of the 4th respondent was included as Pattadar without issuing any notice to the petitioner. He also submits that the impugned endorsement was also issued without notice to the petitioner which is in violation of proviso to Section 5 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (*for short 'the Act'*). He also relied on the Judgment of this Court in ***Salaka Guru Swamy v. State of A.P. rep. by its Principal Secretary, Revenue Department and others*** ^[1].

Heard learned Assistant Government Pleader for Revenue.

A reading of the impugned endorsement goes to show that the same is issued without issuing any notice to the petitioner which is in violation of principles of natural justice. No such order could have been passed without issuing any notice to the petitioner as envisaged under Section 5 of the Act. It is also not known how the name of the 4th respondent was entered as Pattadar when there is litigation between landlord and 4th respondent. However, this Court is not going into the merits of the case. Since the application dated 07.07.2015 submitted by the petitioner for mutation of his name in the Adangals and for issuance of Pattadar Pass Books and Title Deeds in respect of the subject land is pending between the 3rd respondent, it is for the 3rd respondent to decide the same.

In view of the same, the endorsement vide Rc.No.B/15/2015 dated 13.07.2015 issued by the 3rd respondent is set aside and the 3rd respondent is directed to pass orders on the application of the petitioner dated 07.07.2015, in accordance with law after issuing notice to the petitioner and 4th respondent.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

04.07.2016
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A.RAJASHEKER REDDY,J

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