

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No. 25547 OF 2016

ORDER:

This Writ Petition is filed questioning the inaction on the part of the respondents in not granting mutation in favour of the petitioners with respect to the land admeasuring Ac.0-05 guntas in Sy.No.94-E and land admeasuring Ac.0-05 guntas in Sy.No. 124E situated at Uppal Bhagayath, Uppal Village & Mandal.

2. The case of the petitioners is that originally one Raji Reddy, who is the father of the 1st petitioner and husband of the 2nd petitioner, has purchased the lands admeasuring Ac.0-05 guntas in Sy.No.94-E and Ac.0-05 guntas in Sy.No.124E situated in Uppal Bhagayath, Uppal Village & Mandal, Ranga Reddy District from Y. Narasimha and Y.Venkaiah in the year 1985 and his name was mutated in the revenue records. After the demise of said Raji Reddy on 29.09.2015, the petitioners have succeeded the said property. On 21.01.2016 when the petitioners have approached the Tahasildar-3rd respondent for mutation of their names in the revenue records, 3rd respondent has refused their application. Therefore, they sent their application to the 3rd respondent through registered post vide receipt No.EN447394385IN, dated 12.04.2016. In spite of the same, the authorities neither considered their application nor disposed of the same. Alleging inaction on the part of the respondents in taking action on the said application, the present writ petition is filed.

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 petitioners 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 four 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:09.08.2016
Ssv