

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26188 of 2016

ORDER:

The petitioner claims to have submitted an application, dated 24.03.2016, to respondent No.2-District Collector, East Godavari seeking mutation of his name in the revenue records and for issuance of pattadar passbooks and title deeds in his favour in respect of land admeasuring Acs.2.59 cents in Survey No.240/5 of Panasapadu Village, Samarlakota Mandal, East Godavari District. As no action has been taken thereon, the present writ petition has been filed.

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

At the hearing, it is fairly contended by the learned counsel for the petitioner that the application submitted by the petitioner is not in accord with Form-VI (A), as specified under the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act').

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.

Inasmuch as the petitioner's application is not in the prescribed format, I deem it appropriate to dispose of the writ petition by giving liberty to the petitioner to submit his application in Form-VI (A) to the recording authority, i.e., the 4th respondent-Tahsildar. Within four months of such application by the petitioner, the 4th respondent, 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.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

Dt:05.08.2016

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