

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.28511 of 2017

ORDER:

Petitioner claims to be the owner and possessor of land admeasuring Acs.5.70 cents in Survey No.50/4B of Chebrolu Village, Unguturu Mandal, West Godavari District. For the purpose of construction of Indiramma Houses for Weaker Sections, Government acquired the said land and an Award was passed on 19.07.2009 under the Land Acquisition Act, 1894. She challenged the said Award in Writ Petition No.11602 of 2010, which in turn was allowed by judgment dated 08.12.2014 setting aside the land acquisition proceedings. She now seeks restoration of her name in the revenue records as originally reflected prior to the acquisition. Though, several representations were made for restoration of her name in the revenue records, alleging inaction, this writ petition is filed.

2. The Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') prescribes detailed procedure to seek correction of revenue records. To set the process in motion, an application has to be made in Form-VI(A) in the website of the State and only on making such application, the issue can be considered by the competent authority.

Apparently, in the present case, except making representations, no such application is made by petitioner.

3. At this stage, learned counsel for petitioner sought to contend that as there is no dispute with regard to ownership of petitioner on the subject land and as she succeeded before this Court against the Award passed under the Land Acquisition Act, 1894, it is deemed that her status in the revenue records obtaining prior to the Award should be restored and respondents ought to have restored her name in the revenue records and for their lapse, she should not suffer. He further submitted that since there is no dispute with regard to title, the question of conducting enquiry as required by the Act of 1971 for restoring the name of petitioner does not arise and therefore, she need not be compelled to go through the rigmarole of the provisions of the Act of 1971.

4. Admittedly, petitioner is asking for restoration of her name in the revenue records as her name was deleted after the Award under Land Acquisition Act was made. The records of rights with reference to the properties owned by individuals are regulated by the Act of 1971 and unless an application is made in terms of the provisions of the Act of 1971, process of rectification of revenue records cannot be set in motion. Having regard to the language employed in Sections 4 and 5 of the Act of 1971, it cannot be

said that the claim of petitioner does not fall within the parameters of the said provisions. Even otherwise, there is no other provision or other enactment, which according to petitioner, would deal with the situation as obtaining in the case on hand. Only Act occupying the field is the Act of 1971. Further more, it cannot be assumed or presumed, that there would be no objections on the claim of petitioner. Be that as it may, only after undergoing the process as required by the Act of 1971 and the revenue records are altered and the name of petitioner is restored, it would give proper authenticity to petitioner in obtaining pattadar pass book and title deed duly restoring her name in the revenue records. Thus, petitioner has to make an application under Form-VI(A) as prescribed by the Act of 1971 and the Rules made thereunder, to set in motion process for restoration of name of petitioner in the revenue records in respect of the subject property.

5. Granting liberty to petitioner to make such application, this writ petition is disposed of. It is needless to observe that as and when such application is made, the competent authority shall consider the request of petitioner with due diligence and with required promptitude and take a decision by following due

process, as expeditiously as possible, preferably, within a period of two months from the date of receipt of such application.

6. Pending miscellaneous applications, if any, shall stand disposed of in consequence.

P. NAVEEN RAO, J

24th AUGUST, 2017.

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