

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13694 of 2017

ORDER:

The case of the petitioner is that his paternal uncle (petitioner's father's brother) Kuruva Mallappa occupied the land to an extent of Ac.3.35 cents in Survey No.1894-3 and Ac.1.62 cents in Survey No.1542-1, situated at Reddipalli Revenue Village, Nallamada Mandal, about 40 years back since he was landless poor person and used to cultivate the said land by himself and eaking out his livelihood through the said land. Due to his long possession and enjoyment and eligibility, the then Tahasildar, Kadiri, assigned the said land vide proceedings dated 30.12.1981 to him and also granted D Form Patta in his favour. The Tahasildar, Kadiri also issued Ryotwari Passbook on 14.03.1983 after thorough enquiry. Thereafter, in the year 1983, he obtained loan from ADCC Bank Limited, Kadiri by mortgaging the above property. The revenue authorities also mutated his name in the revenue records. Subsequently, as he had no issues, he executed a will on 17.07.2010 bequeathing the subject land in favour of petitioner. Subsequently, basing on the will executed by his paternal uncle dated 17.07.2010 and being the legal heir and successor of his uncle, the petitioner made representation to the 3rd and 4th respondent to mutate his name and to issue pattadar pass book and title deed in respect of the subject land. But the same is not being disposed of till today. Aggrieved by the same present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue submits that there cannot be any transfer of patta; that if petitioner is a legal heir, then he will succeed to the properties; and that the petitioner has to make necessary application in Form 6 A of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (*for short 'the Act, 1971'*), to the 4th respondent.

It is to be sent that as on today, no application is made by the petitioner under Form 6 A of the Act, 1971. In view of the same, the writ petition is disposed of granting liberty to the petitioner to make an application before the 4th respondent under Form 6A of the of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 by enclosing necessary documents in support of his application. On such application being filed by the petitioner, the 4th respondent is directed to dispose of the same, in accordance with law, after issuing notice to the affected parties if any, within a period of three months from the date of receipt of a copy of this order. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

18.04.2017
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