

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.89 OF 2017

ORDER:

This writ petition is filed challenging the proceedings dated 01.03.2016 vide Rc.No.B/224/2016 issued by the 3rd respondent wherein the 3rd respondent rejected the application of the petitioner for mutation and issuance of pattadar pass books and title deeds and directed the petitioner to approach Civil Court in respect of the subject land.

Learned counsel for the petitioner submits that the 4th respondent who is the father of the petitioner has executed registered gift deed dated 11.09.2015 in favour of petitioner and basing on the same the petitioner submitted application for mutation of her name and for issuance of pattadar pass books and title deeds, but, the 3rd respondent without issuing any notice rejected the application of the petitioner and directed the petitioner to approach the Civil Court. When the 4th respondent is the owner of the subject property and gifted the same to the petitioner by way of gift deed, the 3rd respondent could have considered the application of the petitioner. But, strangely, he rejected the application.

Heard learned Assistant Government Pleader for Revenue.

Though notice is served on the 4th respondent there is no appearance on behalf of 4th respondent.

The impugned proceedings goes to show that no notice as envisaged under Section 5(3) of the A.P.Rights in Land and

Pattadar Pass Books Act, 1971 was issued to the petitioner before passing the impugned order. In the objections filed by the 4th respondent in pursuance of notice dated 09.02.2016, he clearly admitted execution of gift deed in favour of petitioner in respect of the subject property. When once the pattadar in whose name the land is recorded admits execution of gift deed in favour of petitioner, the Tahasildar cannot enquire into the validity of the registered document and cannot reject the application for mutation in favour of petitioner.

In view of the aforesaid facts and circumstances, the impugned order dated 01.03.2016 is set aside and the 3rd respondent is directed to pass orders on the application of the petitioner, after issuing notice to the petitioner and 4th respondent, within a period of two months from the date of receipt of a copy of this order. Since it is stated that there is a registered gift deed in favour of the petitioner, the 3rd respondent shall take the same into account while passing the orders.

Accordingly, the writ petition is allowed to the extent indicated above. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

09.02.2017
tk