HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.44096 of 2016

ORDER:

The case of the petitioners is that their great grand-father purchased agriculture land in R.S.No.159/1, admeasuring 43 cents, situated at Mamidikuduru Village, East Godavari District through registered sale deed vide Document No.30410 of 1929, dated 09.10.1929 from his vendors for valuable consideration. Thereafter petitioners' great grand father sons orally partitioned the said land and thus petitioners' grand father's share was devolved to petitioners' father Ramachandra Rao. So his share of the land fallen in Survey Nos.159-17a, admeasuring 5.5 cents and 159-18b, admeasuring 21.5 cents (total 27 cents). Thereafter, petitioners' father constructed a house by obtaining loan from the APIIC, for which the then Mandal Revenue Officer, Mamidikuduru Mandal issued possession certificate dated 16.01.2001. Subsequently, petitioners' father died in the year 2004 and thereafter petitioners are in continuous possession of the said property. While so, when the petitioners went to Mee Seva centre in order to pay property tax, then they found third parties name in the revenue records in place of their father's name in respect of the subject land. It is also stated that petitioners' father name was shown in the revenue records upto March 2016 but thereafter without issuing any notice to the petitioners the respondents incorporated the name of third parties.. Aggrieved by the same, petitioners also submitted representations to the respondents. As no action is being taken on the same, present writ petition is filed.

Though the 4th respondent filed counter, the assertion that petitioners were not issued notice, was not denied, but only stated that for implementing the Judgment and Decree dated 11.04.1977 in EP.No.21/1976 in OS.No.704/74, mutation was done in favour of third persons.

Learned counsel for the petitioners submits that notice as envisaged under Section 5(3) of the A.P.Rights in Land and Pattadar Pass Books Act has to be issued to the parties before affecting any mutation in the revenue records by the respondent authorities. But in the present case, no such notice was issued to the petitioners. More so, it is stated that petitioners' ancestors names were in revenue records since 1929 onwards.

It is not known how the respondent authorities deleted the name of the petitioner without issuing notice to the petitioners as envisaged under Section 5(3) of the Act.

In view of aforesaid facts and circumstances, the respondents are directed to consider the representation of the petitioners dated 11.07.2016, in accordance with law.

With the above direction, the writ petition is disposed of. 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

07.02.2017
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