

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6980 OF 2017

ORDER:

This writ petition is filed against the proceedings issued by the 2nd respondent vide RC A/270/2016, dated 28.12.2016, wherein the 2nd respondent rejected the application of the petitioner for grant of pattadar pass books and title deeds in respect of the land to an extent of Ac.3.76 cents in RS.No.91/1, Merusumilli Village, Mylavaram Mandalam.

Learned counsel for the petitioner submits that as per Section 5(1) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (*for short 'the Act'*), before passing rejection orders an opportunity of making representation should be given to the parties and that in the present case, no such opportunity was given to the petitioner and as such, the same is in violation of provisions under the Act.

Heard learned Assistant Government Pleader for Revenue.

Section 5(1) of the Act reads as follows;

“5. Amendment (and updating) of Record of Rights:-

(1) On receipt of intimation of the fact of acquisition of any right referred to in Section 4, the Mandal Revenue Officer shall determine as to whether, and if so in what manner, the record of

rights may be amended in consequence thereof and shall carryout the amendment in the record of rights may be amended in consequence thereof and shall carryout the amendment in the record of rights in accordance with such determination;

Provided that no order refusing to make an amendment in accordance with the intimation shall be passed unless the person making such intimation has been given an opportunity of making his representation in that behalf.”

A perusal of the impugned order goes to show that no opportunity of making representation was given to the petitioner as per proviso to Section 5(1) of the Act, which amounts to violation of principles of natural justice. In view of the same, the impugned order is set aside and the matter is remitted to the 2nd respondent and the 2nd respondent shall reconsider the matter and pass orders, in accordance with law, after giving notice and affording opportunity of making representation to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, 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

01.03.2017

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