

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26261 OF 2017

DATED : 07.09.2017

Between :

Thathireddy Kondaiah, S/o.Peddanna,
Aged 60 yrs, Occ : Cultivation,
R/o. Ankabupalapuram Village,
Voletivaripalam Mandal, Prakasam District & Others.

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Petitioners

And

State of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Revenue Department,
Secretariat, Velagapudi,
Amaravathi, Guntur District & Others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners claim that they are landless poor persons. They have occupied the Government Assessed waste land in an extent of Ac.8.82 cents spread over in Sy.No.192/6, 192/7, 192/8, 194/1 and 194/2 of Ramachandrapuram Revenue village, Voletivaripalem Mandal, Prakasam District. In evidence of their occupation and possession, they have filed applications through Mee-seva on 16.07.2016 requesting to mutate their names in the revenue records and to issue title deeds, e-pass books in their favour. The 4th respondent issued endorsement vide transaction dated 22.08.2016 informing the petitioners that their request is rejected.

3. The rejection intimation through Mee-seva is enclosed at Page Nos.13 & 14 of the writ petition paper book. It is a computer generated statement showing as "rejected" against the column of Status. No reasons are assigned why the request of the petitioners was rejected.

4. Learned counsel for the petitioners submit that petitioners were not communicated any decision separately except reflecting the result in Mee-seva online web site.

5. Since no reasons are assigned in the online web portal, it cannot be said that a decision is made rejecting the request of the petitioners. When once an application is made for mutation of the names of the persons in the revenue records, the authority concerned vests with the power to examine the issue and if he is

not in favour of granting the request for mutation, he must pass order assigning reasons in support of his decision and communicate the same to the parties. It is appropriate to note that the decision of the original authority is appealable to the Revenue Divisional Officer. No person can be expected to prefer an appeal against the decision of the lower authority without knowing the reasons for rejection. The Tahsildar being a quasi-judicial authority exercises power vested in him under the A.P. Rights in Land and Pattedar Pass Books Act 1971 must assign reasons in support of his decision, but cannot give a summary reply of rejection. Thus, the Tahsildar is directed to examine the claim of the petitioners and furnish suitable reply by assigning due reasons in support of his decision. It is needless to observe that due procedure should be followed by the Tahsildar before taking appropriate decision and decision shall be communicated to the petitioners within a period of six (6) weeks from the date of receipt of copy of this order.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

07th September 2017
Rds

P.NAVEEN RAO,J