

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.33253 OF 2016 and 2901 of 2017

COMMON ORDER:

WP.No.33253 OF 2016:

This petition is filed for a writ of *Mandamus* declaring the action of the 1st respondent in issuing Endorsement in L.Dis.No.679/2016/A, dated 20.09.2016, as illegal and arbitrary and violative of Section 4 and 5 of the A.P.Rights in Land and Pattadar Pass Book Act, 1971 (*for short 'the Act'*) and for a consequential direction to set aside the said endorsement and to direct the 1st respondent to mutate/enter the name of the petitioner in 1B register under the Act by issuing pattadar pass book and title deeds in respect of the land purchased by the petitioner in Survey No.15/8 to an extent of Ac.0.28 cents in Singivalasa Village, Bheemunipatnam Mandal, Visakhapatnam District.

WP.No.2901 OF 2017:

This petition is filed for a writ of *Mandamus* declaring the inaction of the 1st respondent in disposing of the petition filed by the petitioner under Section 3(3) of the A.P.Rights in Land & Pattadar Pass Books Act, 1971 read with Rule 15 of the Rules 1989, as illegal and arbitrary and violative of Section 17(3) of the said Rules and for a consequential direction to the 1st respondent to dispose of the petition dated 21.10.2016 filed by the petitioner.

Since the petitioner and subject matter of both these writ petitions is one and the same, both the writ petitions are heard together and disposed of by this common order.

The case of the petitioner is that she is owner and possessor of the land in Survey No.15/8 to an extent of 0.28 cents in Sangivalasa Village, Bheemunipatnam Mandal, Visakhapatnam District having purchased the same from the rightful owner Smt.Peethala Sujatha for a valid consideration. Thereafter, the petitioner submitted an application under Rule VI A of the Rules, 1989 for issuance of Pattadar Pass Book and Title Deeds by paying necessary fee. As the same is not considered by the 1st respondent, the petitioner filed WP.No.30078 of 2016 and this Court disposed of the same on 07.09.2016 directing the 1st respondent to dispose of the application of the petitioner. Thereafter, the 1st and 2nd respondents issued impugned endorsement dated 20.09.2016 rejecting the petitioner's application for incorporation of her name in place of her vendor. Aggrieved by the same she filed WP.No.33256 of 2016. Pending the same, the respondents 6 and 7 in WP.No.2901 of 17 filed appeal before the RDO, for cancellation of pattadar pass books and title deeds granted in favour of petitioner's vendor in respect of the subject land wherein they have filed Adangal/Pahani dated 06.04.2016 issued in the name of respondents 4 and 5 in WP.No.2901/2017. On verification of the said Adangal/Pahani it is noticed that the names of respondents 4 and 5 were

mutated for the first time in respect of the subject land. Thereafter, the petitioner filed petition on 22.10.2016 under Section 3(3) of the Act, 1971 read with Rule 15 of the Rules, 1989 to call for records pertaining to the said Adangal/Pahani dated 06.04.2016 issued in the name of respondents 4 and 5 by the Tahasildar and to delete their names by replacing the vendor of her. As no orders are passed on the same, the petitioner filed WP.No.2901/2017.

Heard both sides.

In view of the aforesaid facts and circumstances, the impugned endorsement dated 20.09.2016 is set aside and it is open for both the parties to submit relevant documents before the Tahasildar, Bheemunipatnam Mandal, Visakhapatnam and the Tahasildar, Bheemunipatnam Mandal, is directed to dispose of the application of the petitioner dated 06.06.2016 and petition filed by the petitioner under Section 3(3) of the Act, taking the documents filed by both the parties into consideration, after issuing notice and affording opportunity of hearing to both the parties.

Accordingly, both the writ petitions are disposed of. No order as to costs.

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

A.RAJASHEKER REDDY, J

27.02.2017
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