

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35249 OF 2017

DATED : 25.10.2017

Between :

Vankayala Subhadra, W/o.V.Sri Ram,
Aged about 50 yrs, R/o.H.No.10-5-1/56,
Ram Nagar, Visakhapatnam-530 002

.. Petitioner

And

The Tahsildar, Anakapally Mandal,
Visakhapatnam District & others.

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims that the subject property was purchased by her father in the year 2000 which is a private property and title has validly passed on to her father. Her father in turn executed a gift deed in favour of the petitioner and petitioner has now become owner of the subject property. According to the petitioner, earlier Sy.No.40 is sub-divided and Sy.No.40/1 is shown as Government land and Sy.No.40/2 is shown as Zirayat comprising of Ac.5-00 of land. Even though the revenue records reflect the property status as Zirayat and though the property is not included in the prohibited list of properties under Section 22-A of the Indian Registration Act, since it is reflected in the web land register as Poromboke, the petitioner is unable to develop the property or alienate causing lot of hardship and suffering.

3. In the present writ petition, the grievance of the petitioner is that since Tahsildar, Anakapalli himself has informed the Sub-Registrar, Sabbavaram on 25.11.2015 about the status of land in Sy.No.40/2 as Zirayat, he ought to have taken consequential steps to amend the web land register and not taking such steps amounts to illegal exercise of power.

4. As seen from the material on record, it appears so far no application was made before the Tahsildar for correcting the web land register. The record of rights is regulated by the provisions of A.P. Rights in Land and Pattedar Pass Books Act 1971 (for short

‘the Act, 1971’) and the Rules made thereunder. Corrections/entries in the revenue records can be undertaken provided an application is made in terms thereof. It appears so far no such application is made by the petitioner. Therefore, at this stage, it cannot be said that the Tahsildar has acted illegally in not undertaking corrections.

5. It is seen from the letter written by the Tahsildar on 25.11.2015 addressed to the Sub-Registrar, that he responded to the letter written by the Sub-Registrar, Sabbavaramn and informed the status of the property.

6. Having regard to the same, the Writ Petition is disposed of granting liberty to the petitioner to apply for correction of web land register in terms of the provisions contained in the Act, 1971 and the Rules made thereunder. It is needless to observe that as and when such application is made, the Tahsildar shall follow the due procedure and to carry out corrections and shall pass appropriate orders, as warranted by law, by assigning due reasons in support of the decision. The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of such application. There shall be no order as to costs.

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

25th October 2017
Rds

P.NAVEEN RAO,J