

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.1012 of 2018**

**ORDER:**

It is the case of the petitioner that originally an extent of Ac.14.36 cents situated in Survey No.175/2, 3 and 5 belongs to his grandmother and her name was entered in the revenue records. She died on 09.11.1992 leaving behind her three sons. Out of the three sons, two sons relinquished their share in favour of one Brahamalingeswara Siva Rao, who is father of the petitioner. Pattadar Passbooks were issued in his name in Patta No.246 after conducting enquiry. But, the father of the petitioner died on 20.09.1996 leaving behind mother of the petitioner and the petitioner as legal representatives. A certificate was also issued by the Tahsildar, Narsipatnam on 16.01.1997 to that effect. The mother of the petitioner also died on 25.07.2009 leaving the petitioner as sole legal heir to the property. The petitioner submitted an application in the year 2016 for issuance of pattadar passbooks and title deeds and the second respondent issued proceedings on 19.12.2016 directing the third respondent to conduct enquiry upon the application and take action. When no order was communicated to the petitioner, the petitioner filed the present Writ Petition.

2. When the Writ Petition came up for admission on 23.01.2018, the matter was adjourned by ten (10) days for getting instructions. Learned Government Pleader, on the basis of written instructions, submitted that the third respondent made an endorsement pursuant to the orders of the second respondent, dated 19.12.2016 stating that since the land is in possession of

some other ryots, the request of the petitioner was rejected. But, learned counsel for the petitioner submits that no such endorsement was communicated to the petitioner. When an application is filed by the petitioner including the documents of title and seeking mutation of his name in the revenue records and issuance of pattadar passbooks and title deeds, the same cannot be rejected merely on the ground that some third parties are in possession of the property. The third respondent is supposed to make an enquiry by giving appropriate notice to the petitioner as well as the said third parties while verifying the title of the parties and take appropriate action on the application of the petitioner. Since the endorsement itself was not communicated to the petitioner and there is no evidence of such communication, the said endorsement is *non est* in law and the third respondent is directed to implement the aforesaid order within a period of sixty (60) days from the date of receipt of a copy of this order.

3. With the above direction, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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**A.RAMALINGESWARA RAO, J**

**FEBRUARY 2, 2018**

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**Date: 02.02.2018**

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