

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition Nos.1506 and 1545 of 2018

Common Order:

Since the issue involved in both the Writ Petitions is similar, they are being disposed of by this common order.

These Writ Petitions are filed challenging the order of rejection passed by the third respondent on 09.02.2017 pursuant to the applications filed by the petitioners under Form-6A for mutation of their names in the revenue records and issuance of E-pattadar passbooks under the provisions of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act').

The case of the petitioner in W.P.No.1506 of 2018 is that he is the absolute owner and possessor of the land of an extent of Ac.1-81 cents in Survey No.94/1A, Ac.1-82 cents in Survey No.94/1B and Ac.3-28 cents in Survey No.94/2, totaling to an extent of Ac.6-91 cents, situated at Urlagudem, Kanupade village, West Godavari District, having acquired the same under a registered Will Deed executed by his brother in his favour on 09.08.2007. He is also the owner and possessor of the land of an extent of Ac.1-74 cents in Survey No.97/2A, Ac.1-61 cents in Survey No.97/2B situated at Urlagudem, Kanupade village, West Godavari District and an extent of Ac.0-60 cents in Survey No.679/3, situated at Chintalpudi Panchayat and mandal, West Godavari District, totaling to an extent of Ac.3-90 cents, having acquired the same under a registered Partition Deed executed in between their family members on 30.08.2016.

Whereas, the case of the petitioner in W.P.No.1545 of 2018 is that she is the absolute owner and possessor of the land of an extent of Ac.1-75 cents in Survey No.13/2, Ac.0-55 cents in Survey No.97/1A, Ac.0-53

cents in Survey No.97/1B and Ac.0-52 cents in Survey No.97/1C, situated at Urlagudem, Kanupade village, West Godavari District, and an extent of Ac.0-59 cents situated in Survey No.679-3 of Chintalpudi Panchayat and Mandal, West Godavari District, totaling to an extent of Ac.3-94 cents, having acquired the same under a registered Partition Deed executed in between their family members on 30.08.2016

The petitioners state that they submitted applications in Form-6A under the provisions of the Act to the third respondent for mutation of their names in the revenue records. While so, the said applications were rejected on 01.03.2017 and on 09.02.2017 on the ground that relevant documents were not submitted along with Form-6A applications. The petitioners assert that they submitted all link documents i.e., registered Will Deed and Partition Deed. After rejection of their applications, they submitted representations on 09.02.2017 once again enclosing all the link documents to the third respondent. Even after receiving those documents, the third respondent did not pass any order and, in those circumstances, they filed the present Writ Petitions.

Now a counter affidavit is filed by the third respondent stating that the petitioners produced only first page of the Will Deed and their family members are also not known to the third respondent. Though the petitioners stated that Partition Deed was filed, they did not produce the same. In those circumstances only the applications of the petitioners were rejected on 09.02.2017.

When the petitioners assert that all the link documents were submitted to the third respondent and the third respondent denies the same, the only course left open to this Court is to give another opportunity to the petitioners to submit the copies of the Registered Will

Deed, Partition Deed, if any, and the family members certificate in order to pass appropriate orders by the third respondent.

The Writ Petitions are, accordingly, disposed of giving liberty to the petitioners to submit the required documents within a period of thirty (30) days from the date of receipt of a copy of this order and, as and when such documents are received by the third respondent, the third respondent shall consider the same along with the applications already filed by the petitioners and pass appropriate orders within a period of thirty (30) days thereafter. In view of the orders passed by this Court, the earlier orders of rejection do not stand.

Consequently, miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

Date: 06.03.2018
Nsr

A.RAMALINGESWARA RAO, J

