

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.525 OF 2016

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, to declare the action of respondent No.2 in not signing the title deed No.869 E844042 issued in relation to the land to an extent of Ac.3.86 cents covered by Sy.Nos.131/3 (Ac.0.57 ½ cents), 133/2 (Ac.0.42 cents), 133/3(0.52 ½ cents), 134/2 (Ac.0.28 cents), 134/3 (0.14 cents), 135/1 (Ac.0.22 ½ cents), 135/2 (Ac.0.08 ½ cents) RS.No.136/1B(Ac.1-11½ cents) and RS.Nos.138/1A & 137/5B (Ac.0.50 cents) of Gollalakoderu, Palakoderu Mandal, West Godavari District.

The case of the petitioner is that his father Viswanadha Raju was the owner and possessor of the land to an extent of Ac.6.66 cents and he died testate executing a Will dated 15.10.2017 distributing the property equally and he was allotted Ac.0.57½ cents in Sy.No.131/3, Ac.0.42 cents in Sy.No.133/2, Ac.0.52½ cents in Sy.No.133/3, Ac.0.28 cents in Sy.No.134/2, Ac.0.14 cents in Sy.No.134/3, Ac.0.22½ cents in Sy.No.135/1 and Ac.0.08½ cents in Sy.No.135/2, total Ac.2.25 cents. After the death of his father - Viswanadha Raju, this petitioner made an application to respondent No.2 in Form- VI A intimating about acquisition of rights by the petitioner in terms of Section 4 of the Andhra Pradesh Rights in Land and Pattadar Pass Book Act, 1971 read with Rule 18 of the A.P. Rights in Land and Pattadar Pass Book Rules, 1989, but, respondent No.2 did not sign on the title deed on the ground that the suit in O.S. No.52 of 2015 is pending on the file of

III Additional District Judge, West Godavari at Bhimavaram, in respect of the land to an extent of Ac.1.61 ½ cents covered under the registered Gift & Settlement Deeds Doc.Nos.1172/2014 & 1173/2014 dated 04.03.2014, which is a part of the subject property, but when there is a dispute with regard to title in respect of Ac.1.61 ½ cents, which is the subject matter of the suit, the authorities can issue title deed in respect of remaining subject property, which is not in dispute, but it was kept pending though application in Form VI A was submitted in the year 2015 itself.

According to sub-section (1) of Section 4 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, any person acquiring by succession, survivorship, inheritance, partition, Government patta, decree of a Court or otherwise any right as owner, pattadar, mortgagee, occupant or tenant of a land and any person acquiring any right as occupant of a land by any other method shall intimate in writing his acquisition of such right, to the Mandal Revenue Officer within ninety days from the date of such acquisition, and the said Mandal Revenue Officer shall give or sent a written acknowledgment of the receipt of such intimation to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Mandal Revenue Officer. Thus, the Record of Rights does not confer any right. A Pass Book is issue only for the purposes mentioned therein. Neither a title deed can be directed to be

issued nor can it be decided to issue such a deed consequent upon the issuance of the Pattadar Pass Book, in relation to lands where a *lis* is pending as to whether such lands or a part thereof would vest in the State pursuant to its declaration made by the competent authority as surplus land as held by the Division Bench of this Court in **Pydi Hariya And Another vs Revenue Divisional Officer, Kandukuru Division, Prakasam District and Others**¹

From the law laid down by this Court, merely because pattadar pass book is issued, respondent No.2 cannot be compelled to issue title deed when a *lis* is pending. If that principle is applied to the present facts of the case, *lis* is pending in respect of land to an extent of Ac.1.61 cents, it would not debar the authorities concerned to exercise their power under Section 4(1) of the Act to issue title deed in respect of the other part of the property, which is not pending in the Court.

Learned Government Pleader for Revenue (A.P.) contended that an application in Form VI A has to be submitted by online in view of changed Rules.

As per the date of sending intimation in Form VI A, the petitioner, who acquired title deed by succession inheritance etc., is not required to submit an application by online. When the application is pending for the last three years, no action was taken by the authorities such inaction is declared as illegal and arbitrary, while directing to pass appropriate order, on the application filed by the petitioner, in terms of Section 4 of the Act read with Rule 18

¹ 2001 (4) ALD 73

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of the Rules framed under the Act, within three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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

M. SATYANARAYANA MURTHY, J

Date: 19.04.2018
BV

