

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38774 OF 2018

ORDER :

This writ petition is filed challenging the action of the 4th respondent in refusing to mutate petitioner's name in revenue records in respect of agricultural lands in Survey No.622/2D, admeasuring Ac.0.75 ½ cents, situated at Basinikonda Village, Madanapally Mandal, Chittoor District for issuing 1 B Form (ROR).

The case of the petitioner is that she is the owner of Agricultural Land in Survey No.622/2 D, admeasuring an extent of Ac.0.75 ½ cents, situated at Basinikonda Village, Madanapally Mandal, Chittoor District, having been inherited the same from her husband one Venkataramudu, who purchased the said land from his vendor one K.V.Krishna Murthy. The said K.V.Krishna Murthy had got absolute saleable interest and title over the lands in issue for executing Sale Deed dated 17.06.1999 with Document No.2710 of 1999 having derived the title over lands in issue through Sale Deed dated 30.10.1971. During the petitioner's husband's life time the Revenue Officials concerned after verifying the documentary evidence submitted by him mutated his name in 1 B (ROR) and consequently issued Pass Books and Title Deeds in his favour with respect to lands in issue. While so, on 05.01.2014, petitioner's husband expired leaving behind

him the petitioner, his four sons as his legal heirs to succeed the subject land. Thereafter, the petitioner mutated her name in revenue records after obtaining 'No objection' endorsement from her sons for obtaining E Pass Books and Title Deeds. The 4th respondent on 31.10.2015 issued Pattadar Pass Books. But petitioner's name was not mutated in Revenue Records. Aggrieved by the same, the petitioner approached the concerned officials several times to take necessary action and also brought the matter to the notice of the District Collector through representation dated 15.10.2018. Thereafter, the officials intimated the petitioner that her name could not be mutated since as per revenue records in Survey No.622/2D, only an extent of Ac.0.35 ½ cents is available for mutation in her name. Challenging the action of the respondents in not mutating petitioner's name in revenue records in respect of subject land for issuing I B Form (ROR) as legal heir of original title holder, present writ petition is filed.

Heard learned counsel for the petitioner who submits that petitioner's husband's name is entered in revenue records in respect of land to an extent of admeasuring Ac.0.75 ½ cents, and that pattadar pass books and title deeds were also issued to him. But, after his demise the name of the petitioner was entered only in respect of land to an extent of Ac.0.35 ½ cents; and that aggrieved by the same, petitioner

made application on 15.10.2018, but till date no action has been taken.

Learned Assistant Government Pleader for Revenue produced written instructions stating that the legal heirs of K.V.Krishnamurthy have sold an extent of Ac.0.40 cents in the above survey number to one person by name A.Venkatramana vide Register Document No.146/2013; and that basing on the above document Sri A.Venkatramana misrepresented and get mutated his name in the revenue records vide 1B Khata No.1665 on 22.10.2017 to an extent of Ac.0.40 cents in Survey No.622/2D and reduced the extent of petitioner to Ac.0.35 ½ cents. It is also stated that as already an extent of Ac.0.40 cents was mutated in the name of A.Venkatramana, the petitioner was informed to file appeal before Revenue Divisional Officer, Madanapalle.

In this case it is to be seen that admittedly, husband of the petitioner purchased subject land through registered sale deed from his vendor K.V.Krishnamurthy and that his name was entered in respect of Ac.0.75 ½ cents and pattadar pass books and title deeds were also issued in his name. On the death of petitioner's husband, petitioner has to succeed the same as her sons endorsed no objection. It is not known, how the revenue authorities have mutated the name of A.Venkatramana basing on the sale deed which is said to have been executed by the legal heirs of K.V.Krishnamurthy.

Even in the written instructions it is stated that the said Venkataramana misrepresented the facts. Since the application filed by the petitioner is pending with regard to his grievance before the 4th respondent, it is for the 4th respondent to consider all these aspects. If that said Venkataramana got mutated his name by misrepresentation, it is always for the revenue authorities to take appropriate action and rectify the same by issuing notice to both the parties.

In view of the same, the writ petition is disposed of directing the 4th respondent to consider the representation of the petitioner and take action in accordance with law, within a period of three months from the date of receipt of a copy of this order. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

29.10.2018
t k.