

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.18214 OF 2014

ORDER:

The petitioner seeks writ of mandamus declaring the action of the respondents in not issuing pattadar passbook and title deed book in respect of the land covered by R.C.No.850 in an extent of Acres 7.56 cents situated in Buttaigudem Village and Mandal, West Godavari District as illegal and arbitrary and consequently, direct the respondents 3 and 4 to hand over the pattedar passbook No.1872 and title deed book No.711221 in respect of the aforesaid land to the petitioner after being duly signed by the respondents.

2. (a) Petitioner's case, in brief, is that she is the owner of Acres 7.56 cents in RS.No.850 of Buttaigudem Village and Mandal, West Godavari District, which land was originally purchased by one Karatam Nagaraju, during his lifetime from one Smt.Vendra Nagamma, through registered document dated 08.12.1957. Thereafter, the scheduled land was allotted in favour of the petitioner's father-in-law by name Karatam Babu Rao. During family partition, the scheduled land was allotted in favour of Karatam Madhu Babu, husband of the petitioner.

(b) The further case of the petitioner is that the land is situated in Gutala Zamin of West Godavari. The Settlement Officer after conducting necessary enquiry under Regulation

2/70 granted Ryotwari patta under Regulation 2/70 in respect of the aforesaid land in favour of petitioner's husband in Case SR No.11(a) 1090, 543, 650, 656, 1100, 560 & 1019 of 1977 (Reg.2/70), dated 10.06.1985. After the said order, no appeal was filed and hence, the patta granted in favour of petitioner's husband in respect of the land in RS.No.850 in an extent of Acres 7.56 guntas became final.

(c) The husband of the petitioner died due to heart-attack on 07.06.1997 leaving behind the petitioner and her minor daughter. After his demise, the petitioner approached revenue authorities several times to incorporate her name in the place of her husband and also requested the authorities to issue pattadar passbook and title deed. After completion of necessary enquiry, the VAO of Buttaigudem Mandal handed over pattadar passbook No.1872 and title deed book No.711221 in respect of the scheduled land duly incorporating the petitioner's name in the revenue records in respect of the scheduled land. After that, she came to know that pattadar passbook and title deed book does not contain the signatures of respondents 3 and 4 wherever required. Hence, she brought the said fact to the notice of VAO of Buttaigudem. He collected the pattadar passbook and title deed book from her to obtain the signatures of respondents 3 and 4. However, so far the books were not returned after they were duly signed by the respondents 3 and 4.

Hence, the instant writ petition.

3. (a) Learned Government Pleader for Revenue took notice and filed counter on behalf of respondents, wherein, it is *inter alia* contended that the petition scheduled land of Acres 7.56 cents covered by RS.No.850 of Buttaigudem Village and Mandal stands classified as 'dry' and the name of late Karatam Madhu Babu, who is the husband of the petitioner, was recorded as pattadar to that extent. The petition scheduled land is situated in Agency Tracts. The Andhra Pradesh Scheduled Areas Land Transfer Regulation (for short, 'APSALTR') Act 01 of 1959 as amended by Act 01 of 1970 is applicable to Buttaigudem Village and Mandal. The Settlement Officer granted joint patta to the above extent along with other lands in favour of Karatam Baburao and 8 others vide S.R.No.11(a) 1090, 543, 650, 655, 1100, 560, 1091/1977 (Reg.2/70), dated 10.06.1985. Karatam Madhu Babu, S/o.Baburao and his brothers Karatam Sudha Babu, Karatam Temmojin and their mother Hymavathi are the members of Hindu Undivided Joint Family. At the time of obtaining ryotwari patta, Karatam Madhu Babu, being the elder son of Karatam Babu Rao, was recorded as pattadar to the petition scheduled land on behalf of the joint family. There was no partition between the family members. Even after the death of the Karatam Madhu Babu, no partition was effected between the family members.

(b) It is further contended that no order under APSALTR Act 01 of 1959 as amended by Act 01 of 1970 in respect of the petition scheduled land was passed. The Village Revenue Officer, Buttaigudem Cluster – I, has prepared pattadar passbook in favour of petitioner to the petition scheduled land bearing No.711221 with IB Khata No.1872 and submitted to Tahsildar, Buttaigudem. The Mandal Revenue Inspector, Buttaigudem, has enquired into the matter with regard to the above pattadar passbook and found that petition scheduled land belongs to the joint family and as there was no partition between the joint family members, the pattadar passbook and title deeds were not issued in favour of the petitioner. The Mandal Revenue Inspector, Buttaigudem, reported that he has inspected the petition scheduled land and found the petitioner in possession of 4 Acres out of Acres 7.56 guntas and the remaining land was in the possession of petitioner's brother-in-laws namely Karatam Sudha Babu and Temmojin and he further reported that there is a family dispute between petitioner and her brother-in-laws. In fact brother-in-laws of the petitioner made a representation that the entire petition scheduled land is not under the possession of the petitioner and it is a joint family property and requested authorities not to issue pattadar passbook.

(c) The petitioner has not produced any document to show that partition was effected between the family members and

she has not produced any order under APSALTR Act 01 of 1959 as amended by Act 01 of 1970 in respect of the petition scheduled land. The respondent, thus, prayed to dismiss the writ petition.

4. Heard learned counsel for petitioner and learned Government Pleader for Revenue for the respondents 1 to 4.

5. As can be seen from the respective submissions of the petitioner and the respondents, while the petitioner claims that she is the wife of Karatam Madhu Babu, who was the pattadar of the subject land of Acres 7.56 cents covered by RS.No.850 in Buttaigudem Village and Mandal and therefore, she is entitled to get her name mutated in the revenue records and she deserves for pattadar passbook and title deed book, the contention of the respondents is that the subject land is situated in Agency Tract as Buttaigudem Revenue Village comes within the purview of APSALTR Act 01 of 1959 as amended by Act 01 of 1970 and therefore, the petitioner shall submit an order passed by the authorities under the said Act showing that the subject land do not come within the mischief of that Act. It is the further contention of the respondent that the husband of the petitioner and his brothers constitute a joint family and since the husband of the petitioner was the elder member, his name was shown as pattadar and during his lifetime, pattadar pass book and title deeds were not issued to him and therefore, the petitioner

must produce cogent record to show that there was a partition among the joint family members and there was no objection for the other members for issuance of pattadar passbook and titled deed in favour of the petitioner. The submission made by the learned Government Pleader on behalf of respondent appears to be a reasonable one.

6. Therefore, this writ petition is disposed of, with a direction to the petitioner to submit all the relevant records to the 4th respondent within three weeks from the date of this order, whereupon, the 4th respondent shall make an enquiry and pass appropriate order as per Rules, within eight weeks thereafter. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

05.12.2018
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U.DURGA PRASAD RAO, J