

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6269 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in accompanying affidavit, the Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, declaring action of the respondent No.2 in not issuing pattedar passbook in respect of land in Sy.No.173/A of Varkatpally Village, Valigonda Mandal, Yadadri Bhuvanagiri District as per 1-B register and also in not considering the petitioner's representations dt.12-03-2018 and 27-03-2018 as illegal, arbitrary, against principles of natural justice, without authority of law and unconstitutional and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.'

The petitioner claims rights over the subject land as the successor of his grandfather, Misala Mallaiah, whose name had been entered in the revenue records and in the Form 1-B register as against the subject land.

However, the petitioner seems to have made written representations on 12.03.2018 and 27.03.2018 to the Tahsildar, Valigonda Mandal, Yadadri-Bhongir District, seeking mutation without applying in the prescribed format.

It may be noticed that as per Section 4 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act of 1971'), any person acquiring any right as owner or pattadar of a land, be it by succession, survivorship, inheritance, partition, Government patta or a decree of a Court, is required to intimate in writing to the Tahsildar concerned his acquisition of such right within thirty days from the date of acquisition. Rule 18(2) of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989, provides that the intimation of acquisition of rights under Section 4 of the Act of 1971 shall be in Form VI(A).

It is an admitted fact that the petitioner did not follow the aforestated procedure and merely made written representations to the Tahsildar concerned.

Without following the prescribed procedure, it is not open to the petitioner to complain of inaction on the part of the Tahsildar, Valigonda Mandal, Yadadri-Bhongir District.

The writ petition is accordingly disposed of permitting the petitioner to make an application in the prescribed format in Form VI(A) along with the requisite fee to the Tahsildar, Valigonda Mandal, Yadadri-Bhongir District. In the event such an application is received, the Tahsildar shall consider the same on its own merits and take appropriate action thereon in accordance with law expeditiously and in any event, not later than four weeks from the date of its receipt.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 26.03.2019

GJ