

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No.22100 of 2019

ORDER :

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

2. The petitioner contends that late Sri Sitaram Bajaj was the owner of the land to an extent of Acs.58.33 gts in Survey Nos.62, 65, 66, 67, 68/1, 69/1, 75/1 and 87 of Pangadi Somaram village of Kotapally Mandal of Manchirial District.

3. According to the petitioner, late Sitaram Bajaj is the grand father of the petitioner and he succeeded to the said properties and he is entitled to 33.33% share of the ancestral property. He therefore, applied for mutation of his name to that extent. By Memo dated 20.04.2019, the 3rd respondent, Tahsildar, rejected the application stating that third parties are in occupation and possession of the said land and request for mutation cannot be accepted.

4. The learned counsel for the petitioner submits that as per Section 5(1) Proviso of Rights in Land and Pattadar Pass Books Act, 1971, whenever the intimation of acquisition of right is made and if the

Tahsildar is not in favour of accepting said request, before passing orders refusing to make an amendment in accordance with the intimation, a person must be given an opportunity of making his representation on that behalf. This provision is not followed and no prior opportunity was offered to the petitioner before passing the orders impugned in the writ petition.

5. The learned Government Pleader for Revenue does not dispute the statutory requirement as mentioned above.

6. A reading of the order would show that it does not reflect that petitioner was given a notice before rejecting his request for mutating his name in the revenue records.

7. Having regard to the same, the impugned Memo is set aside and the matter is remanded to the third respondent, Tahsildar. The Tahsildar is directed to strictly follow the Provision of 5(1) of the Act, specifically with reference to the proviso appended therein and pass appropriate orders, in accordance with law.

8. Accordingly, this writ petition is allowed. There shall be no order as to costs. Pending miscellaneous applications, if any, shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 14.10.2019
LSK

