

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.15246 of 2023

Between:-

P.Chandraneel

.... Petitioner

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Revenue Department,
Velagapudi, Amaravathi,
Guntur District & Others.

..... Respondents

Counsel for the petitioner : Mr. Marri Venkata Ramana

Counsel for the respondents : G.P. for Revenue

ORDER:

Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Revenue appearing for the respondents 1 to 3. Notice to respondent No.4 is deemed not necessary in the facts and circumstances of the case.

2. Aggrieved by the Endorsement, dated 20.01.2023 of the 3rd respondent in rejecting the petitioner's application for issuance of Pattadar Pass Book, the present Writ Petition is filed.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner acquired an extent of Ac.15.75 cents of land in three different survey numbers through a registered Sale Deed dated 26.09.2022. He submits that the petitioner made an application bearing No.MUT230102008966 dated 02.01.2023 seeking to issue Pattadar Pass Book for the above extent of land situated in Survey Nos.280, 281 & 307

of Epuru Village, Rapur Mandal and to the petitioner's utter surprise, the 3rd respondent *vide* Endorsement dated 20.01.2023 rejected the application of the petitioner on the premise that a Civil Suit in O.S.No.67 of 2022 is pending on the file of the Court of the learned Senior Civil Judge, Gudur. He submits that before rejecting the petitioner's application for issuance of Pattadar Pass Book, it appears that some enquiry was made behind the back of the petitioner and without affording any opportunity to him by issuing a notice, the application is rejected. He submits that had the petitioner been put on notice before rejecting the application, the petitioner would have submitted appropriate explanation to the satisfaction of the 3rd respondent. He submits that the action of the 3rd respondent in rejecting the application is in violation of principles of natural justice, contrary to the provisions of the A.P.Rights in Land and Pattadar Pass Books Act, 1971(for short 'the Act') and the Law laid down by this Court. Making the said submissions, the learned counsel seeks to set aside the impugned Endorsement.

4. Learned Assistant Government Pleader for Revenue, on the other hand, sought to impress upon this Court that the 3rd respondent is justified in rejecting the application of the petitioner for the reasons which are stated in the impugned Endorsement. He submits that the petitioner may work out his remedies against the said Endorsement and the present Writ Petition is not maintainable.

5. This Court has considered the submissions made and perused the material on record. Section 6-A of the Act deals with application for title deed-cum-pattadar pass book in respect of the agricultural land or Certificate of Ownership for land in Gramakantam or Non-Agricultural land.

6. As per Section 6-A(1) of the Act, "any person claiming title deed cum pass book of any Agricultural land may apply for issue of a title deed cum pass book to the Tahsildar or any other officer as prescribed, on payment of such fee as may be prescribed." On making such application, the Tahsildar or such officer as prescribed in terms of Section 6-A(3) of the Act shall cause an enquiry to be made in such manner as may be prescribed and shall issue title deed cum pass book or certificate of ownership in accordance with the Record of Rights, with such particulars and in such form, as may be prescribed.

8. It may also be noted that as per the *proviso* to Section 6-A(3) of the Act, no such title deed cum pass book or certificate of ownership shall be issued by the Tahsildar or such officer as prescribed, unless the Record of Rights have been brought upto date.

9. In the present case, the petitioner made an application for issuance of Pattadr Pass Book in respect of the land in question and it would appear that the 3rd respondent rejected the same on the basis of the report of Village Revenue Officer. However, such enquiry appears to

have been conducted without issuance of any notice to the petitioner. When the enquiry is with reference to the application of the petitioner for issuance of pattadar pass books and title deeds as contemplated under the Statute/Act, it should have been conducted after issuing notice to the petitioner and affording an opportunity before rejecting his application through the impugned Endorsement. As the 3rd respondent is dealing with the valuable rights of the petitioner, the rejection of the petitioner's application without affording an opportunity to him is violative of principles of natural justice and the same is liable to be set aside on that ground.

10. Accordingly, the Writ Petition is allowed and the impugned Endorsement dated 20.01.2023 is set aside and the matter is remanded back to the 3rd respondent for considering the application of the petitioner afresh, after giving due opportunity to the petitioner, 4th respondent and other interested parties, strictly in accordance with Law, as expeditiously as possible, within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

NINALA JAYASURYA, J

Date: 05.07.2023
BLV

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

W.P.No.15246 of 2023

Date: 05.07.2023

BLV