

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.18266 OF 2023

Between:-

Palepogu Sreenivasa Rao	...	Petitioner
And		
The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Velagapudi, & 3 others	...	Respondents

Counsel for the petitioner : M/s. Ala Chandrasekhar Yadav

Counsel for respondents : G.P for Revenue

ORDER:

Heard the learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Revenue appearing for the respondents. With the consent of both sides, the Writ Petition is being disposed of at the stage of admission.

2. Aggrieved by the inaction on the part of the 4th respondent in not considering the petitioner's application dated 15.06.2023 submitted for mutation and issuance of E-Pattadar Passbook and Title Deed in respect of land admeasuring Ac.0.30 cents in Sy.No.56/2A situated at Gopalapuram Revenue Village; the present Writ Petition is filed.

3. Though the learned counsel for the petitioner sought to advance arguments with reference to the averments made in the Writ Petition, the learned Assistant Government Pleader for Revenue, at the time of considering the matter placed a copy of the written instructions dated 20.07.2023 received from the 4th respondent, from a reading of which, it gives an impression that the petitioner's application was rejected by the 4th respondent through an endorsement dated 17.07.2023. The relevant portion of the instructions reads as follows:-

"5. It is further submitted that in addition to the above, the petitioner has filed a petition before the Collector, Bapatla in Spandana Programme on 13.07.2023 vide Application No.BPT20230713501 for incorporation of changes in revenue record for deletion of name of Door Lakshmaiah in respect of the subject land. After examination of the application of the petitioner, the same as explained in para 3 above was informed to the petitioner through an endorsement of Tahsildar, Addanki Rc.C/07 /2023, dt: 17.07.2023.

6. It is submitted if the petitioner aggrieved with the rejection of the Mutation application by the 4th respondent, he has to file appeal before the Revenue Divisional Officer, Chirala as per provisions laid down in Section 5B of the AP Rights in Land and Pattadar Passbooks Act, 1971. Instead filing appeal before the Revenue Divisional Officer, Chirala the petitioner herein has filed this Writ Petition."

4. Though in the light of the above instructions, the learned Assistant Government Pleader for Revenue states that the Writ Petition has become infructuous, this Court is not inclined to accept the said submission. In the instructions, it is mentioned that the petitioner filed a petition before the 2nd respondent in Spandana Programme on 13.07.2023 vide application No.BPT20230713501 for incorporation of changes in the revenue record for deletion of name of one Mr. Door Lakshmaiah in respect of the subject land and the said application was rejected on 17.07.2023. Whereas the material filed along with the Writ Petition Ex.P1 would go to show that an online application as per the procedure was made on 15.06.2023.

5. In view of the same, the 4th respondent is required to take necessary action as contemplated under the provisions of Pattadar Pass Books Act. In the present case, it appears that such procedure was not adhered before issuing the endorsement dated 17.07.2023 with reference to the petitioner's application in Spandana Programme, nothing is divulged in the written instructions in that regard and a reading of the instructions would make it clear that the rejection is in respect of the petitioner's

representation made in the Spandana Programme. Therefore such an endorsement dated 17.07.2023 in the considered opinion of this Court is of no consequence. Even assuming that the rejection endorsement is with reference to the petitioner's online application, the 4th respondent cannot straight away reject it, as per the amended provisions of the Pattadar Pass Books Act.

6. In the aforesaid view of the matter, this Court deems it appropriate to dispose of the Writ Petition with a direction to the 4th respondent to take necessary action on the petitioner's online application dated 15.06.2023, if necessary by receiving the same, strictly in accordance with the provisions of Section 5 of the A.P. Rights in Land and Pattadar Pass Books Act, as amended by Act 15 of 2022 and the relevant Rules, as expeditiously as possible, at any rate, within a period of four (4) weeks from the date of receipt of copy of this Order.

The Writ Petition is accordingly disposed of. There shall be no order as to costs. As a sequel, miscellaneous applications pending, if any, shall also stand closed.

JUSTICE NINALA JAYASURYA

July 24, 2023.
GVK