

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.20740 of 2023

Between:-

Genji Premalatha

....

Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Revenue Department & 2 others

....

Respondents

Counsel for the Petitioner : Mr.P.Nanilu Naidu

Counsel for the respondents : Learned Government Pleader
for Revenue

ORDER:

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

2. The present Writ Petition is filed seeking to declare the action of the respondent No.3 in rejecting the Application dated 29.09.2022 for mutation submitted through online, on the ground of 'Rejected Beyond SLA' and refusing to mutate the name of the petitioner in the place of father of the petitioner viz., Galla Durgu Naidu in the revenue records in respect of land of an extent of Ac.4.00 cents in R.S.No.28-3 of Gudipa Village, Ravikamatham Mandal, Visakhapatnam District, acquired by the petitioner by virtue of Registered Partition Deed dated 16.09.2021 *vide* Doc.No.6830/2021, as illegal, arbitrary etc., and for a consequential

direction to the respondent Nos.2 & 3 to enter the name of the petitioner in the revenue records in respect of the subject matter property as per the said Partition Deed dated 16.09.2021 and to pass such other orders.

3. The learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the subject matter land, which was acquired from her father Galla Durgi Naidu after his demise on 20.06.2021 and since then she has been in continuous possession and enjoyment of the same. He submits that the petitioner along with her mother and brother made their respective applications as per the above said Partition Deed dated 16.09.2021 through Online on 29.09.2022 for mutating their names in the Revenue records by paying requisite fee along with the relevant documents. The respondent authorities received the same and rejected the application on the ground 'Rejected Beyond SLA', without assigning any cogent reasons or by a reasoned order, which is not tenable in Law. Therefore, the petitioner is constrained to approach this Court seeking appropriate direction.

4. This Court has considered the submissions made and perused the material on record.

5. This rejection of the petitioner's application for mutation is not sustainable on two grounds. Firstly, the rejection is cryptic. No specific reasons are assigned for the rejection, much less with reference to the circumstances under which the lands cannot be mutated as sought for. It is

settled Law that absence of reasons by quasi-judicial authorities invalidates the orders/proceedings passed by them. Secondly, as on the date of the rejection of the petitioner's application, the A.P.Rights in Lands & Pattadar Pass Books Act is amended by Act 15 of 2022 (published in the A.P.Government Gazette dated 18.10.2022). By virtue of the said amendment, the 3rd respondent cannot straightaway reject the mutation applications. Therefore, the rejection of petitioner's application is not sustainable in Law.

6. Accordingly, the Writ Petition is allowed with a direction to the 3rd respondent to take necessary action on the application dated 29.09.2022 made by the petitioner for mutating her name in the Revenue records and issuance of e-Pattadar Pass Books, by reviving the same, if necessary, as per the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 as amended by Act No.15 of 2022, as expeditiously as possible, at any rate, 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: 14.8.2023
BLV

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