

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.2845 of 2023

Between:

Mupparaju Nageswara Rao,
S/o. Late Peda Venkata Subbaiah,
Aged 59 years, Occ: Cultivation,
R/o. D.No.46-139-1618/1,
Behind Sri Venkateswara Swamy Temple Lane,
Samatha Nagar, Ongole, Prakasam District.

... Petitioner

And

The State of Andhra Pradesh, rep by Principal Secretary to
Government, Revenue Department, Secretariat, Velagapudi,
Amaravati and six others.

... Respondents

Counsel for the petitioners : Smt Nimmagadda Revathi

Counsel for respondents : Learned Govt. Pleader for
Revenue

ORDER:

The above writ petition is filed under Article 226 of the
Constitution of India seeking the following relief:

“...issue an appropriate Writ or direction more particularly
one in the nature of Writ of Mandamus declaring the
inaction of the respondents particularly 4th respondent on
petitioner’s applications dated 05.12.2022, 12.12.2022 and
22.12.2022 in Foram-6(A), submitted under the provisions

of Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 and rules framed there under for Online Mutation and issuance of EPattadar Passbook and Title Deeds in his favour connected to petitioner agriculture lands admeasuring Ac 0 471/2 Cents Ac 0 671/2 Cents Ac 0 57 Cents Ac 1 121/2 Cents and Ac 1 431/2 Cents total extent of Ac 4 28 Cents covered by Survey Nos 602/1 602/2 602/3 603 and 611 respectively situated in Darsi Village and Mandal of Prakasam District as illegal irregular irrational violative of provisions of said statute and offends Articles 14 and 21 of Constitution of India and consequently direct the respondents particularly the 4th respondent to grant him E Pattadar Passbook and Title Deed by mutating petitioner name in all Online Web Land Record of Rights including Adangal Pahanies and 1B Register in respect of his said lands and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.”

2. In the affidavit, it was contended that, petitioner is the absolute owner of the agriculture lands for an extent of Ac.0.47 ½ cents, Ac.0.67 ½ cents, Ac.0.57 cents, Ac.1.12 ½ cents and Ac.1.43 ½ cents in survey Nos.602/1, 602/2, 603/3, 603 and 611 respectively situated in Darsi Village, Prakasam District. The said lands originally belonged to forefathers and ancestors of Mupparaju Peda Venkata Subbaiah. After demise of petitioner’s father Sri. Mupparaju Peda Venkata Subbaiah,

Mupparaju Venkateswarlu looked after the properties. The name of Smt. Muppaaraju Parvathamma, wife of Venkateswarlu was mutated in records. Pattadar Passbook and Title Deed under Khata No.1481 was issued. Later, partition was affected on 08.09.2017. In the said partition, properties referred to supra, were allotted to the share of the petitioner.

3. Respondent No.4 started digitalizing the records of rights and some of the extent of the land was mutated in the name of respondent Nos.5 to 7. The petitioner, on coming to know about the mutation, complained the same to respondent No.4. Petitioner also filed his written complaint vide Rc.A/1195/2016 dated 10.11.2016 in the Station House Officer, Darsi Police Station against respondent Nos.5 to 7.

4. Petitioner submitted applications dated 05.12.2022, 12.12.2022 along with the representation dated 22.12.2022 in Form-VI(A) under Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 and Rules framed there under to mutate the name of the petitioner in respect of lands referred to supra.

Since Respondent No.4 has not acted upon, the above writ petition is filed.

5. This Court ordered notice on 13.02.2023 and permitted the learned counsel to take out notice to respondent Nos.5 to 7. Notice was served and Smt. V. Hima Bindu, learned counsel appeared on behalf of respondent Nos.5 to 7.

6. Heard Smt. Nimmagadda Revathi, learned counsel for the petitioner and Smt. V. Hima Bindu learned counsel appearing for Respondents 5 to 7 and the learned Government Pleader for Revenue.

7. Learned Government Pleader, during the arguments, brought to the Court's notice that application in Form-VI-A filed along with material papers is not in consonance with Form VI-A stipulated in Andhra Pradesh Rights for Land Rules, 1989. He also would submit that application is to be made through Mee Seva or Grama Sachivalayam by annexing the relevant documents. If fresh application is made in Form-VI(A), the concerned Tahsildar after following the procedure under Rule 5(3) of the Rules after issuing notice to all the concerned

including the rival party will adjudicate the issue. He would submit that since the application is not in consonance, petitioner's case was not considered.

8. Learned counsel for the petitioner and learned counsel appearing for the respondent Nos.5 to 7 argued the matter on merits.

9. Though the learned counsels appearing for petitioner and respondents 5 to 7 argued the matter on merits this court cannot declare the title of the property. Competent Civil Court will decide the issue of title between the parties.

10. In view of the submissions made by learned Government Pleader, this writ petition is disposed of giving liberty to the petitioner to make application in Form-VI(A) either through Grama Sachivalayam or Mee Seva to the respondent No.4 within a period of four (4) weeks from the date of receipt of the copy of the order. If such an application is made, respondent No.4 shall dispose of the same by issuing notices to respondent Nos.5 to 7 and to other parties if any and dispose the same by strictly following the procedure contemplated under Andhra

Pradesh Rights in Land and Pattadar Passbooks Act, 1971 and Rules there under. In fact, as per the Rules, respondent No.4 shall dispose of the same within 30 days.

11. With the above direction, this Writ Petition is disposed of.
No order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

Date : 11.05.2023
KAS

SUBBA REDDY SATTI, J

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KAS