

APHC010059262023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3310]

TUESDAY ,THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 2946 OF 2023

Between:

Jabba Trinathulu

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.B V KRISHNA REDDY

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

ORDER :

This petition is filed under Article 226 of the Constitution of India for the following relief:-

“to issue an order direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent no.5 in keeping pending the Application of the petitioner for Mutation and Title Deed Cum e-Passbok over survey no. 475/1 to an extent of Ac.0.50 cents situated in D.N.Rao Pet Revenue Village Chintalapudi Mandal, Eluru Revenue Division, West Godavari District, Andhra Pradesh despite the petitioner had paid requisite fee vide its Application No ELR20221114679, Dated 14.11.2022 for more than 30 days is contrary to the Sec.5 (1) proviso of Andhra Pradesh Rights in Land And Pattadar Pass Books Act and as

illegal arbitrary and violation of principles of natural justice besides being violative of the fundamental rights of the petitioner guaranteed under Article 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondent No.5 to dispose the Application No.ELR20221114679 Dated 14.11.2022 and pass such other order or orders.....”

2. The precise case of the petitioner is that mother of the petitioner by name Ms. Lakshmi Kanthamma is the owner of the property in an extent of Ac. 0.50 cents situated in R.S.No.475/1 in Raghavapuram Village, Chintalapudi Mandal, West Godavari District, having inherited the same from her parents. The name of the mother of the petitioner is duly mutated in all revenue records such as 1-B Register etc., After demise of his mother, the petitioner submitted death certificate of his mother and notarized affidavit executed in favour of the petitioner, showing that the petitioner is the sole person eligible to inherit the subject property and submitted an application on 14.11.2022 through mee-seva requesting the respondents for mutation and issue title deed-cum-e-pass book in favour of the petitioner to the 5th respondent. Till then, the 5th respondent did not take any action so far. Hence, in action of the 5th respondent is questioned in this writ petition and requested to allow the writ petition.

3. Mr. B.V.Krishna Reddy, learned counsel for the petitioner and learned Assistant Government Pleader, Revenue for the respondents.

4. During hearing learned counsel for the petitioner reiterated the contents urged in the writ affidavit. Whereas, the respondents have not taken steps to file counter-affidavit, but learned Assistant Government Pleader,

Revenue vehemently submitted that the petitioner has not approached the 5th respondent by submitting proper application. Further, the deceased had other legal heirs, who have also having share therein. Therefore, requested to pass appropriate orders in this writ petition.

5. Perused the record.

6. It is mainly contended by the learned counsel for the petitioner that the petitioner has produced sufficient records and submitted the application through Spandana programme and also through mee-seva on payment of requisite fee, but 5th respondent did not take any action to conduct enquiry and mutate the name of the petitioner in all concerned revenue records without assigning any reason, which is highly illegal and arbitrary.

7. As could be seen from the Spandana programme endorsement dated 14.11.2022 would show that the 5th respondent directed the petitioner to approach nearest Village Secretariat for mutation, after scrutinizing the respective documents. The petitioner has also filed Death Certificate of his mother along with documents vide request letter dated 27.12.2022. Therefore, the petitioner has approached the 5th respondent as per Section 5(1) Proviso of Andhra Pradesh Rights in Land and Pattadar Pass Book Act. As per provision, the 5th respondent should act within 30 days, but in vain. Therefore, it appears sheer negligence on the part of the 5th respondent in not conducting proper enquiry on the application submitted by the petitioner dated 14.11.2022

after long elapse of about one and half years without assigning any valid reasons is highly illegal and arbitrary.

8. Therefore, the action of the 5th respondent in keeping pending the application of the petitioner dated 14.11.2022, despite made a request by paying requisite fee is declared as illegal and arbitrary. Further, the 5th respondent is directed to dispose of the application No.ELR20221114679, dated 14.11.2022 in accordance with law, within a period of six (06) weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is allowed. There shall be no order as to costs.

The miscellaneous applications pending, if any, shall also stand closed.

DR. JUSTICE K. MANMADHA RAO

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