

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION No.4697 OF 2023

ORDER:-

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking the following relief:

"...to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not mutating the petitioner's name in the place of his father Sri Ramabhadraraju and making corrections to the E.Pattadar passbook in spite of submitting all the documents and submitting several applications and the last being dated 29.12.2022, as illegal, arbitrary, unconstitutional and in violation of principles of natural justice and further direct the respondents to mutate the petitioner's name and issue pattadar passbook and title deed by considering the application No.MUT221229026711 dated 29.12.2022 and pass such other order or orders..."

2. The grievance of the petitioner in brief is that he inherited an extent of Ac.0.80 cents in Survey No.50-11 and 50-12 and an extent of Ac.0.11 cents in Survey No.37-3 in Pulaparthi Revenue village, Yellamanchili Mandal, Anakapalli District from his ancestors and since then he is in possession of the said property. He made an application to issue pattadar pass book and title deed in his name and to update the revenue records. Accordingly, his possession over the land was updated in the revenue records and pattadar passbook has also been issued to him. But on seeing the online pattadar pass book, it reflected the name of the petitioner's father instead of his name next to his signature and photo. It is the

further case of the petitioner that when he approached the Tahsildar to correct the revenue online record entries, the Tahsildar instructed him to submit an online application for mutation of his name in the place of his father's name. Further the Collector and Revenue Divisional Officer also recommended the case of the petitioner for mutation. Pursuant to the same, he made an application dated 14.02.2022 and on such application, the 6th respondent asked the petitioner to submit family member certificate and affidavit from the petitioner's sister. Accordingly, the petitioner's sister gave no objection affidavit and the same was placed before the Tahsildar along with other necessary documents.

3. It is the further case of the petitioner that, the petitioner has submitted all the required documents and made applications several times and finally he made an application through online for mutation of his name in pattadar pass book and the title deed along with supporting documents by paying the requisite fee on 29.12.2022. On such application, the respondents had issued e-passbook which contained his photo and signature, but his father's name was shown in the column of pattadar. Hence, the Present Writ Petition.

4. Heard Smt K.Aruna, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue for respondents.

5. The learned counsel for the petitioner, in elaboration to what has been stated in the affidavit, contended that earlier pattadar pass book and title deed have been issued to the petitioner basing on his request. It contains the photograph and signature of the petitioner, but by mistake the name of the petitioner's father was shown in the column of 'pattadar' and to rectify the same, the petitioner approached the revenue authorities and made several representations. On such representations, the Tahsildar has sought certain documents which are also submitted and finally, he made an application dated 29.12.2022 for mutation of his name in the place of his father. Learned counsel for the petitioner draws the attention of this Court to the said application which is placed on record and contended that the said application is still pending and no orders have been passed, as such prayed to pass appropriate orders in that regard.

6. On the other hand, learned Assistant Government Pleader for Revenue requested time for filing counter.

7. To the said submission, learned counsel for the petitioner submitted that no positive direction has been sought by the writ petitioner except seeking a direction to the 6th respondent to dispose of the application so made by the petitioner through online on 29.12.2022 for mutation of petitioner's name in the place of his father's name in the revenue records. To the said submission, learned Assistant Government Pleader reported no objection.

8. Taking into consideration the submissions made by both the learned counsel and as there is no purpose in keeping pending the writ petition, this Court is inclined to dispose of the writ petition, at the stage of admission, directing the 6th respondent to pass appropriate orders in accordance with law on the application made by the petitioner through online on 29.12.2022 for mutation his name in the place of his father in the revenue records, after affording an opportunity of hearing to the petitioner and pass a reasoned order, within a period of three (3) months from the date of receipt of a copy of this order. The order so passed by the 6th respondent shall communicate to the petitioner forthwith.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, all the pending miscellaneous applications are closed.

JUSTICE RAVI CHEEMALAPATI

Date : 27.02.2023

MP

78

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