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Court : Andhra Pradesh

Decided On : Mar-20-2012

Judge : The Honourable Ms. Justice G. Rohini

Appeal No. : Writ Petition No. 2052 of 2012

Appellant : Mohammad Rafi

Respondent : The Mandal Revenue Officer, Karimnagar District and Another

Judgement :

This writ petition is filed seeking a declaration that the inaction on the part of the respondents 1 and 2 in considering the petitioner's application dated 06.08.2009 for mutation of his name in the revenue records in respect of the lands situated in Sy.No.56/AA of Chepyala Shivar Village, Karimnagar District is arbitrary and illegal.

The 1st respondent-Tahsildar filed a counter affidavit stating that it is a fact that the petitioner made an application for mutation claiming that the land to an extent of Ac.1-06 cents situated in Sy.No.56/AA was gifted to him by his grandfather, however, on verification of the revenue records it was found that the person stated to have executed the gift deed in favour of the petitioner had no title over the land and therefore, the petitioner's application was returned on the same day. It is also stated that the said fact was informed to the petitioner.

However, the petitioner in his reply affidavit disputed the stand taken by the respondents and contended that no such order had been passed by the respondents and that he was not informed at any point of time the reasons for not considering his request for mutation.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

The procedure to be followed by the Mandal Revenue Officer when a person acquiring a right to the property intimates the said fact has been prescribed in detail in Sections 4 and 5 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'ROR' Act) read with Rules 18 to 20 of the Rules made thereunder. As per the proviso to Section 5 (1) of the ROR Act, no order refusing to make an amendment in accordance with the intimation shall be passed unless the person making such intimation has been given an opportunity of making his representation in that behalf.

Apparently, the respondents failed to follow the procedure prescribed under the ROR Act and the Rules made thereunder. Moreover, even assuming that the name of the person who according to the petitioner had gifted the property in question to him is not found in the revenue records, the respondents cannot simply return the application of the petitioner, but it is necessary to give him an opportunity of making his representation and then an order has to be passed in writing. Since no such procedure is adopted, the impugned action of the respondents is arbitrary and illegal.

Accordingly, the writ petition is disposed of with a direction to the 1st respondent to consider the request of the petitioner for entering his name in the revenue records in the light of the observations made above and pass appropriate order in accordance with law and communicate the same to the petitioner as expeditiously as possible preferably within a period of eight weeks from the date of receipt of this order. No costs.