

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**WRIT PETITION No.38714 of 2015****ORDER:**

This Writ Petition filed by the petitioners 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 2nd respondent in not taking any steps in pursuant to the representation dated 8.10.2015 by mutating the petitioners name in the concerned revenue records and issuing the Pattadar and Title Deed, Pass Books to an extent of Ac. 1.77 cents in R.S.No. 51/2 and an extent of Ac.1.06 cents in R.S.No.50/3 of Bhavanipuram Village, Vijayawada Urban Mandal, Krishna District as being illegal, arbitrary and is in violation of fundamental right guaranteed under Articles 19 and 21 of the Constitution of India as well 300-A and consequently direct the 2nd respondent consider and dispose of the aforesaid representation dated 8.10.2015 and to pass such other order”

2. The petitioner claiming to be the owner of the land admeasuring an extent of Ac. 1.77cents in Sy. No. 51/2 and Ac. 1.06 cents in Sy.No.50/3 of Bhavanipuram village. He submitted an application dated 08.10.2015 to mutate his name in the revenue records and to issue pattadar pass book and title deed for the said land; but, till date no action has been taken. The inaction of the respondent No.2 being a public officer, amounts to failure in discharging the public duty under the Act. Therefore, such action is illegal, arbitrary and requested to issue a direction as stated above.

3. Heard the learned counsel for the petitioner.

4. During hearing, learned Assistant Government Pleader for Revenue submitted that unless an application is submitted through Mee-seva, after compliance of necessary formalities on payment of requisite fee, the inaction of the respondent in disposing of the

representation dated 08.10.2015 cannot be declared as arbitrary since the demand is not in compliance of statutory provision, and therefore, requested to dismiss the petition.

5. As seen from the material on record, the petitioner submitted a representation dated 8.10.2015 for mutation of his name in the revenue records and for issuance of pattadar passbook and title deed for the land in dispute. But, according to the procedure prescribed, under G.O.Ms.No.209 dated 14.06.2017, the petitioner has to submit appropriate application through mee seva/ AP-online; now, through village Secretariat, on payment of requisite fee for mutation by making appropriate application under Section.4 and in form 6-A of A.P. Rights in Land and Pattadar Pass Books Act, 1971. No such application is made except representation, which is not a valid demand. Therefore, the 2nd respondent /Thasildar is not under obligation to attend such invalid demand and consequently his inaction cannot be declared as illegal and arbitrary. However, the petitioner is permitted to make an appropriate application through Mee-seva/ Village Secretariat on payment of requisite fee for mutation of his name in revenue records and for issuance of pattadar passbook and title deed.

6. In view of the foregoing reasons, this Writ Petition is liable to be dismissed.

7. In the result, the Writ Petition is dismissed. However, the petitioner is permitted to make appropriate application through mee-seva or in any authorized mode on payment of requisite fee in appropriate form prescribed under the Andhra Pradesh [Rights in Land] and Pattadar Pass Books Act, 1971 and Rules, framed

thereunder and if any such application is made, the respondents are directed to take appropriate action as per rules. There shall be no order as to costs.

8. The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 31.12.2021

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THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

(Dismissed)

WRIT PETITION No.38714 of 2015

Date: 31-12-2021

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