

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.12678 of 2011

ORDER:

Questioning the inaction of the respondents in not conducting survey and also fixing the boundaries in respect of the land in survey No.91 admeasuring Ac.03-86 cents situated at Tatti Annaram Village, Hayathnagar Mandal, Ranga Reddy District inspite of submitting the representation dated 24-02-2011 as arbitrary and illegal and violative of principles of natural justice, the present writ petition is filed.

The averments in the writ petition are as under:

Originally one Sri Afsar Jung Bahadur was the owner, pattadar and possessor of the land admeasuring Ac.24-08 guntas in survey Nos.90 and 91 situated at Tatti Annaram village, Hayathnagar Mandal, Ranga Reddy District. The said Afsar Jung Bahadur gifted the above said land in favour of the grand father of the petitioners 1 to 4, great grand father of the petitioners 5 to 7 and G.P.A. holder herein i.e. Shaik Mohd.Jamaluddin for the services rendered by him to said Sri Afsar Jung Bahadur during 1313 Fasli. It is stated that after the death of Shaik Murtuza, the father of the petitioners 1 to 4 and grand father of the petitioners 5 to 7 and the GPA holder herein succeeded to the said property. After death of Jamaluddin, his eldest son by name Shaik Mohd.Khasim who is the eldest brother of the petitioners 1 to 4 got mutated his name in revenue records. When the petitioners demanded Shaik Mohd.Khasim their share in the said property, had gifted land to an extent of Ac.12-04 guntas, out of the total extent of Ac.24-08 guntas in their favour through gift deed dated 09-02-1999. Since then the petitioners are said to be in peaceful possession and enjoyment of the said property. Thereafter the brother of the petitioners by name

Shaik Mohd.Khasim sold away a portion of the land in favour of third

parties by suppressing the execution of gift deed. The petitioners are apprehending that the said Mohd.Khasim would create some third party interest over the remaining extent also. It is stated that on 24-02-2011, the G.P.A. holder gave a representation before the respondents to conduct survey, demarcate and fix the boundaries in respect of the land in survey No.91 admeasuring Ac.03-86 cents situated at Tatti Annaram, Hayath Nagar Mandal, Ranga Reddy District. As no action has been initiated till date, the present writ petition is filed.

Learned Government Pleader for Revenue, on instructions, opposed the application stating that the petitioners have no right or authority over the said land and as such conducting a survey would not arise.

In the absence of any counter affidavit being filed by the learned Government pleader and as the request of the petitioner is only to the extent of considering his representation dated 24-02-2011, the same can be ordered.

Accordingly, the writ petition is disposed of by directing the respondent No.6 (Tahsildar), Hayathnagar Mandal to consider the representation dated 24-02-2011 made by the petitioners and pass orders in accordance with law, within a period of six weeks from the date of receipt of the order. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

C.PRAVEEN KUMAR,J

30-06-2015

Nvl