

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

Present

WRIT PETITION No.6495 of 2010

Kokonda Kishtayya,
S/o. Late Kokonda Bala Pochaiah,
Aged about 55 years, H.No.1-13,
Mupireddypalle Village,
Toopran Mandal, Medak District.

AND

The District Collector,
Medak District at
Sanga Reddy & 6 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6495 of 2010

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ORDER:

The case of the petitioner is that he was assigned land to an extent of Ac. 1.10 guntas in Survey No.41 of Majidpally Village, Toopran Mandal, Medak District. In addition to the land assigned to him, the petitioner owned Ac. 15.06 guntas of land in Survey No.42 of Majidpally Village, Toopran Mandal, Medak District. As per the revenue records, the total extent of land in Survey No.41 was Ac. 81.31 guntas. However, on conducting of survey, it was noticed that only Ac. 68.02 guntas was found in Survey No.41. As this land was required by the State for establishment of Industrial Park, the State resumed the land assigned to the assignees including the petitioner and they were paid *ex-gratia*. The petitioner was paid an amount of Rs.5,00,000/- as *ex-gratia*. The factum of payment of Rs.5,00,000/- as *ex-gratia* is not disputed by the petitioner. On resuming the land after payment of *ex-gratia*, the land was alienated to the Andhra Pradesh Industrial Infrastructure Corporation Limited (for short, 'APIIC') for establishment of Industrial Park.

2. The petitioner instituted this writ petition contending that the boundaries of the land owned by the petitioner in Survey

No.42 is not correctly identified and, therefore, it is necessary to conduct survey of land in Survey Nos.41 and 42 and in spite of making several representations, the authorities are not taking steps to conduct survey as requested by the petitioner.

3. Counter affidavit is filed on behalf of respondents 1 to 4. In the counter affidavit, it is deposed that the State is no way concerned with the land in Survey No.42. The land in Survey No.42 is not acquired by the State. The land to an extent of

Ac. 68.02 guntas available in Survey No.41 was resumed and allotted to the APIIC. As the State is no way concerned with Survey No.42 and it is shown in the revenue records as private patta land, the State cannot conduct any survey. However, as requested by the petitioner, survey was conducted on 19.07.2010 in the presence of the petitioner and Panchanama was drawn. The petitioner has put his thumb impression on the Panchanama. On conducting of the survey, the petitioner was shown the boundaries of Survey Nos.41 and 42.

4. In this writ petition, the only grievance of the petitioner was that though he has made a request for conducting of survey, the survey was not conducted and since the survey is not conducted, the petitioner was unable to identify the land owned by him in Survey No.42. As averred by the respondents in the counter affidavit, the survey was conducted on 19.07.2010 and a copy of the Panchanama, dated 19.07.2010, is enclosed to the counter affidavit. Since the grievance of the petitioner with reference to the prayer sought in the writ petition is already answered, nothing survives in the writ petition.

5. However, learned counsel for the petitioner submits that the said survey was not conducted in the presence of the petitioner and that the thumb impression shown in the Panchanama, dated 19.07.2010, does not belong to the petitioner and that no survey was conducted in Survey No.42 and the land of the petitioner was not identified.

6. Since the prayer in the writ petition was confined to the inaction in not conducting the survey and since the survey is already conducted, the other issues cannot be gone into, more particularly, when the conducting of survey and recording the result of the survey, dated 19.07.2010, is not the subject matter of the prayer sought in the writ petition. Leaving it open to the petitioner to avail his remedies available under law, this Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,

J

Date: 4th February, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6495 of 2010

Date: 4th February, 2015

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