

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.23050 of 2015

Between :

Saripalli Appa Rao S/o.Late Appala Swamy,
Hindu, Aged about 58 yrs, R/o.H.No.10-40-1/1,
Ward No.19, Block No.45, Ramnagar,
Waltair Port, Visakhapatnam, Visakhapatnam District & others
.. Petitioners

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration Department,
Andhra Pradesh Secretariat, Hyderabad & others
.. Respondents

DATE OF JUDGMENT PRONOUNCED : 27.07.2015

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SUBMITTED FOR APPROVAL:

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- **THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioners claim to be the owners of land to an extent of 1000 Square yards in T.S.No.1031, Waltair Ward, Ramnagar, Visakhapatnam. Claiming that the petitioners are in unauthorized and illegal occupation of the said land, the 4th respondent filed L.G.C.No.43 of 1989 before the District Court, Visakhapatnam. But the said LGC was dismissed confirming the long possession and enjoyment of the said property by the petitioners and that the petitioners cannot be described as the land grabbing persons. However, not content with the decision in the LGC, the 4th respondent instigated another person to institute RCC No.12 of 2005 claiming that the subject property is not belonging to the petitioners and introduced T.S.No.1032. Having regard to the controversy generated, the petitioners wanted a survey to be conducted, so that the correct boundaries can be identified and the petitioners can peacefully enjoy their property.

2. Accordingly, on 15.05.2015, the petitioners filed a petition along with challan before the Visakhapatnam Municipal Corporation, praying for conducting of survey and fixing of boundaries in accordance with the Survey and Boundaries Act, 1923. Alleging that so far no decision is taken, this writ petition is filed.

3. Learned counsel for the petitioners as well as learned Government Pleader, agree that since a representation was already submitted, the writ petition can be disposed of by directing the competent authority to consider the representation of the petitioners and pass appropriate orders, as warranted by law.

4. Having regard to the same, the Writ Petition is disposed of, directing the Commissioner, Visakhapatnam Municipal Corporation, Visakhapatnam (2nd respondent) to consider the representation of the petitioners dated 14.05.2015 with reference to conducting of survey under the Survey and Boundaries Act, 1923 regarding T.S.Nos.1031 and 1032 of Waltair Ward, Block No.45, Ram Nagar, Visakhapatnam and pass appropriate orders as warranted by law. In view of the fact that there is rival claim, the 4th respondent be put on notice by the 2nd respondent and afford due opportunity, before taking decision on the representation of the petitioners and pass appropriate orders. A decision to this affect shall be taken within a period of six (6) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**P.NAVEEN
RAO,J**

27th July, 2015.

Note : C.C. in three (3) days.

B/o.

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