

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33574 of 2011

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

The writ petition is filed seeking issuance of Writ of Mandamus declaring the inaction of respondent No.2 in deputing the Surveyor for conducting the survey and fixing the boundaries for the land admeasuring Ac.0-37 ½ cents in survey No.1068 of Ukkayapalli Village, Kadapa City, Y.S.R. District as illegal and arbitrary.

The averments in the writ petition are as under:

The land admeasuring an extent of Ac.01-12 cents in survey No.1068 of Ukkayapalli Village, Kadapa City, Y.S.R. District was originally belong to one Late.Boddhulluru Subbaiah. Late Subbaiah had sold the same in favour of one K.S.Mudaliar under a registered sale deed. In turn said Mudaliar sold the same in favour of vendor of father of the petitioner namely Thellapati Venkata Subbaiah under a registered sale deed, dated 19-06-1946, who in turn sold an extent of Ac.0-37 ½ cents in favour of petitioner's father by name K.Ramanaiah under a registered sale deed, dated 09-02-1987. It is stated that since then, they are in possession and enjoyment of the said land. While so, one Srinivasulu and some others tried to interfere with the possession and enjoyment of vendor of his father Late Thellapati Venkata Subbaiah over the land admeasuring Ac.01-12 cents i.e. including the land sold to the petitioner. On that said Venkata Subbaiah filed O.S.No.74 of 1985 on the file of District Munsiff, Kadapa for declaration of title and permanent injunction and the said suit was transferred to the Court of Subordinate Judge, Kadapa and renumbered as O.S.No.160 of 1987. It is stated that the said suit was decreed on 31-10-1997 holding that the father of the respondent No.3 therein was

also entitled to an extent of Ac.0-50 cents out of Ac.01-12 cents. Aggrieved by the same, the legal heirs of Venkata Subbaiah preferred an appeal in A.S.No.27 of 1998 on the file of III Additional District Judge (Fast Track Court), Kadapa and in the said appeal, the relief sought by the vendor of the father of the petitioner was granted and the relief granted in favour of one Srinivasulu was set aside vide judgment dated 23-10-2003. It is stated that while granting the relief in favour of vendor of father of the petitioner, the appellate Court mentioned in the decree as if the appeal was dismissed instead of allowed. Taking advantage of the same, son of Late Srinivasulu started interfering with the possession and enjoyment of the subject land stating that the appeal filed by vendor of the father of petitioner was dismissed and hence, he is entitled for an extent of Ac.0-50 cents. It is stated that the father of the petitioner made a representation dated 22-01-2010 for survey and fixation of the boundaries to the subject land by paying requisite fee. As the 2nd respondent failed to take any action, the present writ petition is filed.

Learned counsel for the petitioner submits that though the father of the petitioner applied for survey and fixation of boundaries through a representation dated 22-01-2010 along with challan, till date the 2nd respondent has not taken any steps on the said representation.

Without going into the merits of the case and as the grievance of the petitioner is with regard to non-consideration of his representation, the writ petition is disposed of by directing the 2nd respondent to pass orders on the representation dated 22-01-2010 made by K.Ramanaiah, if the same is still pending, in accordance with law within a period of eight weeks from the date of receipt of the order.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

KUMAR, J
15-07-2015
nvl

C. PRAVEEN