

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 8460 OF 2011

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Telangana). With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of respondent Nos.1 to 3 in proposing to assign the land in Survey No.26 of Thattikhana Village, Ranga Reddy District abutting the petitioner's land on the western boundary in Survey No.25 of the said village, without fixing the boundaries by respondent No.4 on the western side of the petitioner's land, pursuant to the applications dated 18.10.2005 and 04.11.2009, as illegal and arbitrary.

The facts in issue are as under:

The petitioner is said to have purchased land admeasuring Acs.4-8.4 guntas in Survey No.25 (part) situated at Thattikhana Village, Thattiannaram Gram Panchayat, Hayatnagar Mandal, Ranga Reddy District from one S.Krishna Reddy and 11 others represented by GPA holder Sri D.Koteswara Rao, through a registered sale deed vide document No.960/1998. The total extent of land in Survey No.25 comprise of 305 acres. It is stated that after purchasing the said land, the petitioner has been in possession and since then, he is enjoying the same. The boundary stones were fixed on south-east, north-east and north-west in between Thattikhana Village boundary on one side and the boundary of forest land on northern and eastern side. Subsequently, when the petitioners intended to raise a fence along the boundaries, the officials of Forest Department raised an objection disputing the boundaries. Then one of the land owner filed W.P.No.17092 of 1997 seeking to declare the action of the officials of forest department in not allowing the petitioner to fence the land in Survey No.25 as per the boundaries fixed by the fourth respondent as illegal. By an order dated 19.03.1998, this Court directed the fourth respondent to

decide whether the land in dispute belongs to the petitioner or the forest department, after issuing notices to both the parties. If the forest department officials are not present, the Assistant Director of survey was directed to conduct the survey operation in presence of local Circle Inspector and the concerned Mandal Development Officer. Pursuant to the orders of this Court, the Assistant Director conducted survey operations and fixed the boundaries and laid boundary stones in the presence of forest officials, local Inspector of Police and Mandal Development Officer and prepared a panchanama dated 08.01.1999. The petitioner is alleged to have raised a fence with iron and cement pillars and barbed wire on all four sides in Survey No.25 as per the measurements and boundary stones fixed by the Assistant Director of Survey in the year 1999. The second respondent along with his subordinates tried to remove the fence illegally on the western side, without notice and opportunity to the petitioner and other owners in Survey No.25. It is stated that the petitioner along with others submitted applications dated 18.10.2005 and 04.11.2009 requesting respondent Nos.1 and 4 respectively to re-fix the boundaries, but the said applications are still pending. It is stated that respondent Nos.1 to 3 have attempted to remove the fencing by disturbing the existing boundaries as fixed by respondent No.4, causing hardship to the petitioner. Hence, the present Writ Petition.

Learned counsel for the petitioner mainly submits that though the petitioners submitted applications dated 18.10.2005 and 04.11.2009 seeking to re-fix the boundaries, till date the same are not acted upon. He further submits that a direction may be given to the respondents to conduct survey since the land of the petitioner abuts the land in Survey No.26, which is a Government land.

Learned Government Pleader, on instructions, submits that a positive direction cannot be given for fixing boundaries, since there is dispute with regard to the location of land in Survey Nos.25 and 26.

Without going into merits of the case and having regard to the circumstances stated above, it would be appropriate if the the Writ Petition is disposed of giving a direction to respondent No.4 to act on the representations dated 18.10.2005 and 04.11.2009, made for re-fixing of the boundaries, within a period of four (04) weeks from the date of receipt of a copy of this order, if the

same is still pending consideration, as on today. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

07.09.2015

vhb