

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

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 30820 of 2015

BETWEEN

S.Sunil Kumar

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 03.12.2015

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ORDER:-

Heard learned counsel for the petitioner; learned Government Pleader for Revenue; and as well as learned counsel for impleaded respondents.

2. Petitioner questions the impugned endorsement given by the Tahsildar, Kuppam dated 30.03.2014 whereunder the request of the petitioner for survey with respect to the lands applied for by him was not accepted in view of the said lands being covered and *sub judice* before the civil court in O.S.No.124 of 2014.

3. During the hearing of this writ petition it is evident from the record that in fact there are two suits pending viz., O.S.No.124 of 2014 and 63 of 2015

before the learned Senior Civil Judge, Palamneru where the petitioner and the contesting respondents are parties.

While one of the suits is for declaration and for injunctive reliefs, the other suit is for seeking partition of the properties. Evidently, they are comprehensive suits and the competent civil court is seized of the matter.

4. In such a scenario, therefore, it is not for the revenue authorities to act on their own and conduct survey when the civil court is already seized of the matter. Hence, in view of that context, the impugned endorsement cannot be faulted on any ground. It is however open for the petitioner to make appropriate application before the said court requesting the Court to permit appointment of a surveyor for the purpose of conducting survey of the subject land and subject to satisfaction of the civil Court, the survey can always be ordered either through the Advocate Commissioner or through the office of the Director of Survey and Settlement.

With the liberty aforesaid, writ petition is dismissed. As a sequel the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 3, 2015
LMV