

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 38037 of 2012

ORDER:

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

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.3 and 4 in conducting survey in survey Nos. 147 and 148 of Bachupally Village, Qutubullapur Mandal, Ranga Reddy District, as illegal, arbitrary and violative of the provisions of Andhra Pradesh Survey and Boundaries Act, 1923; and consequently to set-aside the proceedings No.B/85, 86/2012 dated 30.11.2012 issued by respondent No.4.

The averments in the affidavit filed in support of the writ petition would show that the members of the petitioners association purchased house plots in Sy.No.147 and 148 situated at Bachupally Village, Pragathi Nagar Gram Panchayat, Qutubullapur Mandal, Ranga Reddy District, through registered sale deeds for a valid consideration from their respective owners and they are in peaceful possession and enjoyment over the said plots. While things stood thus, the respondent No.4 is said to have affixed a notice copy on the compound wall of the petitioners association claiming that he wants to conduct survey of land in Sy.Nos.147 and 148. Though objections were raised by the petitioners association, the revenue staff said that the survey will be held on 06.12.2012. It is stated that the revenue staff came to the land on 06.12.2012 and forcibly tried to remove the fencing and gates. When the petitioners protested, they left the place stating that they would come back on 11th or 12th December, 2012. Challenging the same the present writ petition came to be filed.

By an order, dated 13.12.2012, this Court while issuing Rule-nisi, stayed all further proceedings.

When the matter is taken up for hearing, both the counsel agreed for conducting fresh survey in the presence of the petitioners and after giving prior notice fixing the time and date for conducting the survey.

Accepting the request made by both the counsel, the writ petition is disposed of, directing the respondents to conduct survey in Survey Nos. 147 and 148 of Bachupally Village, Qutubullapur Mandal, Ranga Reddy District, in accordance with law, after giving notice to the petitioners and un-official respondents fixing the time and date of survey. It is needless to mention that the objections if any raised by the petitioners shall be taken into consideration before conducting survey. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

11.12.2015
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