

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8350 OF 2004

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DATED: 10.03.2015
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Between:

M/s. Taramandal Estates Pvt. Ltd.,
Rep. by its Director S.L. Agarwal

.. Petitioner

And

The Mandal Revenue Officer,
Serilingampally Mandal,
R.R. District and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8350 of 2004

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ORDER:

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The grievance of the petitioner company was that the respondent authorities did not demarcate its property, but were interfering with its possession and enjoyment thereof. A direction was sought to the respondent authorities to conduct a survey and fix the boundaries of the land of the petitioner company, admeasuring Ac.3.24 gts., in Sy.Nos.39 and 41 of Gachibowli Village, Serilingampalli Mandal, Ranga Reddy District.

Perusal of the affidavit discloses that the petitioner company did not independently seek any demarcation or survey of its land and such application seems to have been made on 28.08.2003 by the 3rd respondent, Anil Kumar Khamdar. However, the petitioner company, by way of interim relief, sought a direction to the respondent authorities to demarcate and fix the boundaries of its property. This Court, by order dated 12.10.2004, refused such interim relief and dismissed the

miscellaneous petition filed by the petitioner company.

No counter-affidavit has been filed by any of the respondents.

Sri W.B. Srinivas, learned counsel for the petitioner company, would contend that the respondent authorities time and again called upon his client to come to the land for the purpose of survey and demarcation, but no concrete steps were being taken in that regard. He would further submit that in the guise of undertaking such an exercise, the respondent authorities were interfering with his client's possession and enjoyment of its own property.

Admittedly, the application for survey and demarcation has not been made by the petitioner company, but only by the 3rd respondent. Inaction, if any, on the part of the authorities upon such application would cause a grievance only to the applicant, viz., the 3rd respondent herein. It is not for the petitioner company to complain of any inaction on such application or seek a direction to the respondent authorities to act upon such application.

Sri W.B. Srinivas, learned counsel, fairly conceded that after the institution of the writ petition, no steps were taken by the respondent authorities to interfere with the possession of his client.

In that view of the matter, no cause is made out for interference at the behest of the petitioner company when the 3rd respondent has not voiced any grievance as to the alleged inaction on the part of the authorities on his application.

The writ petition is, therefore, dismissed. It is, however, left open to the petitioner company to take recourse to such remedies as are available to it in law in the event of any interference with its alleged lawful possession over the subject property.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

10th March, 2015

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