

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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W.P.No. 6633 of 2015

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DATE: 17.03.2015

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Between:

S. Venkat Reddy .. Petitioner

And

1. The State of Telangana
2. The District Collector
3. The Tahsildar
4. Mandal Surveyor
5. Gram Panchayat .. Respondents

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ORDER:-

While so, it is stated that the 3rd and 5th respondents informed orally that they are going to lay road through the petitioner's lands and survey thereof would also be conducted. Questioning their action, the petitioner filed W.P.No. 36063 of 2014, and this Court, on 23.12.2014, in W.P.M.P.No. 45138 of 2014, made the following order:

“Without conducting survey in the presence of the petitioner and demarcating the land held by him and without identifying the land belonging to the Government over which alone a road can be formed, without resort to land acquisition, no road shall be formed.”

Now, the grievance of the petitioner is that the 4th respondent issued Notice dated 07.03.2015 both to the petitioner and to the adjacent pattedars to his lands and Gram Sarpanch proposing to conduct survey of Gramakantam boundaries for the lands adjacent to the above survey numbers on 16.03.2015 and the impugned notice does not refer to any provision of law under which it was issued and the same is in violation of the provision of A.P. Survey and Boundaries Act, 1923. Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for both the parties and perused the material placed on record.

Having perused the order dated 23.12.2014 passed in W.P.M.P.No. 45138 of 2014 in W.P.No. 36063 of 2014, this Court is unable to accept the contention of the learned counsel for the petitioner that this Court restrained any survey to be conducted. On the contrary, the very impugned notice refers to the orders of this Court as extracted above. A perusal of the order itself would indicate that it is permissible for the authorities to conduct survey in the presence of the petitioner and demarcate the lands held by him and the land belonging to the Government. Admittedly, as on today, no land acquisition proceedings are initiated, however if, in the opinion of the authorities, the lands in question are required for public purpose, it is permissible for the respondents-authorities to conduct survey as a prelude to issuance of notification under the provisions of the Land Acquisition Act, 1894. Considering the submission of the learned

counsel for the petitioner that there is standing crop, this Court deems it appropriate to dispose of the writ petition with the following directions:

“In the event the petitioner’s lands are proposed to be acquired for laying the road, the respondents shall follow the due process of law for such acquisition. As part of their acquisition proceedings, if any survey is proposed to be conducted, the same shall be done only after the petitioner harvested the standing seasonal crop and without causing any damage to the crop in the process of conducting survey. It is also made clear that in the event any damage is caused, the petitioner shall be entitled to claim compensation for the same.”

With the above directions, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

17.03.2015

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