

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

TUESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29433 OF 2015

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Between:

Y. Ravndranath Reddy ... Petitioner

Vs.

The State of Telangana

Rep.by its Prl. Secretary

Home Department,

Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri TS.Venkataramana

Counsel for the Respondents: GP for Home [TG]

GP for Revenue [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29433 OF 2015

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ORDER:

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This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of second and third respondents in not providing police protection for the process of demarcation of

boundaries to the company lands to be conducted by the fourth and fifth respondents as per 34-A para 20 of A.P. Board Standing Orders and Circular vide Rc.No.N1/6543/99, dated 25/7/2001 as highly illegal and unjustified, with a direction to the second and third respondents to provide police protection to the fourth and fifth respondents while conducting demarcation of boundaries to the lands of the petitioner company situated at Gurramboddu Rehabilitation Centre, Padaveedu revenue village, Mattampally Mandal, Nalgonda district and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri T.S. Venkataramana and the learned Government Pleaders for Home and Revenue for the respondents and perused the material available on record.

3. According to the affidavit filed in support of the petition, the petitioner company along with other associated companies has purchased total extent of land admeasuring Acs:414-25 guntas at Gurramboddu Rehabilitation Centre, Padaveedu Revenue village, Mattampally Mandal, Nalgonda district by way of registered sale deeds vide document Nos. 1284 of 2008 dated 19/3/2008, 1689 of 2008 dated 30/4/2009; 1690 of 2008 dated 30/4/2008; 2030 of 2008, dated 29/5/2008; 2031 of 2008 dated 29/5/2008; 2183 of 2008 dated 04/6/2008; 2184 of 2008 dated 04/6/2008; 1668 of 2015 dated 22/4/2015; 234 of 2015, dated 24/1/2015; 85 of 2015, dated 18/2/2015; 206 of 2015 dated 22/1/2015; 850 of 2015, dated 18/2/2015 and 1669 of 2015, dated 22/4/2015 and agreement of sale executed in favour of petitioner company in respect of an extent of Acs:65-00. It is further stated that with an intention to establish new company in the said lands, the petitioner company requested revenue authorities to mark

boundaries to the land of the petitioner company and the petitioner company made an application 20/8/2015 to the fourth respondent requesting for demarcation of boundaries to the lands of petitioner company. It is the further case of the petitioner herein that on receipt of application, the fourth respondent Mandal Revenue Officer informed that unless police protection is provided no work can be undertaken. Thereafter the petitioner approached the police authorities by way of an application dated 24/8/2015, requesting to provide police protection for conducting demarcation. It is further averred that respondents 2 and 3 did not receive application on the ground of absence of any request from the revenue authorities or an order from the competent court of law. Thereafter the petitioner approached the fourth respondent Mandal Revenue Officer with a request to request the second and third respondents for police protection but the fourth respondent has informed that there is no provision or rule to provide police protection for conducting demarcation of private parties except for conducting survey of the Government lands. In the above background, the present writ petition came to be filed.

4. During the course of hearing, the learned counsel for the petitioner has brought to the notice of the court a circular No.N1/6543/99, dated 25/7/2001 and para 4 of the said circular reads as under:

In view of the above, the following instructions are issued for strict compliance by all the Mandal Surveyors/Deputy Inspectors of Survey/Inspector of Survey/Assistant Director, Survey and Land Records and Regional Deputy Directors and other Deputy Directors in the State.

i) Demarcation of lands being the primary and the only duty of the Mandal Surveyors, petition for demarcation of boundaries from

the private parties shall be entertained by the concerned Mandal Revenue Officers only and Mandal Surveyors shall conduct demarcation after written approve of the Mandal Revenue Officers concerned as per Board Standing Orders and Mandal pattern of administration.

ii) Aggrieved by the proceedings of the Mandal Surveyors, parties may file first appeal if so desired before the Revenue Divisional Officers for the demarcation by the Deputy Inspector of Survey of the concerned Revenue Divisional Officer shall entertain the first appeal only and the Deputy Inspector of Survey shall conduct the demarcation after approval in writing by the Revenue Divisional Officer concerned.

iii) Aggrieved by the proceedings of the Deputy Inspector of Survey, parties may file second appeal if so desired before the Assistant Director for demarcation by the Inspector of Survey of Dist.Maintenance Unit and inspector of Survey shall conduct demarcation after approval in writing by the Asst.D8rector, Survey and Land Records concerned.

iv) Subsequent appeal, if any, i.e., third appeal may be filed if so desired before the Asst.Director, S&LRs of the concerned District. Thus, an appeal against the proceedings of the Inspector of Survey and Land Records of District Maintenance Unit shall be entertained by the Asst. Director, Survey and Land Records, and Asst. D8rector Survey and Land Records shall conduct demarcation. However, there is no objection to conduct the demarcation by taking approval of the Joint Collector either in the form of tour programme or in the concerned file by the Asst. Directors concerned.

5. During the course of hearing, it is submitted by the learned Government Pleader on instructions that the petitioner herein did not submit any representation to the respondent authorities for redressal of his grievance and if any representation is made by the petitioner herein, the same will be considered and appropriate action will be taken by the respondents 4 and 5.

6. In view of the above submissions, the writ petition is disposed of, keeping it open for the petitioner to submit an application to the respondents 4 and 5 for

redressal of his grievance within a period of one week from the date of receipt of a copy of this order and if any such application is made within the stipulated period, appropriation action be taken within a period of four weeks thereafter.

No costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

06/10/2015

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HONOURABLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION NO. 29433 OF 2015

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Date:06/10/2015

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Court Master: I s L