

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.21083 of 2011

Date: 30-10-2015

Between:

Kakani Kesava Chandra Choudary and 2 others

.... Petitioners

AND

The State of Andhra Pradesh, represented by its

Secretary, Revenue Department, Hyderabad

And 4 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.21083 of 2011

ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. With the consent of both parties, the present writ petition is heard at the stage of admission itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 3 and 5 in not taking any action for survey and fixation of boundaries in respect of the lands of the petitioners admeasuring Ac.60.00 cents situated in R.S.No.1-1A1 of Narsupeta village, Nuzvid Mandal, Krishna District in terms of the letter H5/S.R.No.2/002/2010, dated 17-03-2010 of the 2nd respondent, as illegal and

arbitrary and consequently, to direct the respondents 3 and 5 to arrange for survey and fixation of boundaries in respect of the lands of the petitioners admeasuring Ac.60.00 cents situated in R.S.No.1-1A1 of Narsupeta village, Nuzvid Mandal, Krishna District in terms of the letter H5/S.R.No.2/002/2010, dated 17-03-2010 of the 2nd respondent.

Though various grounds are raised in the writ petition questioning the inaction of the respondents 3 and 5, the learned counsel for the petitioners restricts his prayer seeking a direction to the respondents to conduct a joint survey and fix boundaries.

It is stated that the 1st petitioner purchased the land under two registered sale deeds dated 23-03-2005 from one P. Krishna Mohan and the 2nd petitioner, who is daughter-in-law of the 1st petitioner, also purchased land admeasuring Ac.13.00 cents and Ac.15.00 cents respectively through two registered sale deeds dated 28-03-2005 from P. Krishna Mohan and Shaik Karimullah respectively for valuable consideration. Ever since from the date of purchase, they are in possession and enjoyment of the same. It is averred that when an objection was raised by the forest officials with regard to title and boundaries, the petitioners made representations to the Minister for Forest, Environment, Science and Technology as well as the Minister for Revenue, Government of Andhra Pradesh on 31-07-2009 and 12-08-2009 respectively requesting them to issue necessary instructions for conducting a joint survey by the revenue officials and forest officials and an endorsement was made instructing the Forest and Revenue officials to arrange joint survey. Basing on the said endorsement, the Divisional Forest Officer, Krishna Division, Vijayawada addressed a letter vide RC.No.4173/2001-V6, dated 07-09-2009 requesting the Revenue Divisional Officer, Nuzvid to depute the Mandal Surveyor with instructions to conduct joint survey in survey number 1-1A1 of Narsupeta village with forest officials and to furnish joint survey reports. On 03-10-2009 the Revenue Divisional Officer, Nuzvid directed the Tahsildar, Nuzvid to depute the surveyor to conduct joint survey along with forest officials. It is stated that the Forest and Revenue officials conducted a joint survey and submitted a report dated 13-10-2009. However, on 29-01-2010, the petitioners submitted a representation to the Government to issue necessary directions to the revenue

authorities to fix the boundaries as per the Joint Enquiry Report. The District Collector, Krishna District addressed a letter in H5/SR.No.2/002/2010, dated 17-03-2010 to the respondents 3 and 5 directing them to look into the matter and to take necessary action as per law. In spite of the said direction, no action has been taken. Questioning the said inaction, the present writ petition came to be filed.

The learned Government Pleader for Revenue, on instructions, placed on record a letter of the Tahsildar, Nuzvid, wherein it is stated that as the revenue records pertaining to Narsupeta village of Nuzvid Mandal are found to be defective, a total enjoyment survey has been ordered by the District Collector and a survey work has commenced recently. It is further stated that if the petitioner shows documents in proof of their enjoyment of the land, their grievance will be redressed.

Having regard to the fact that a fresh survey is being conducted pursuant to the orders of the District Collector, Machilipatnam, and as the revenue records pertaining to Narsupeta village of Nuzvid Mandal are found to be defective, the petitioners may produce their documents in proof of their enjoyment of the land in dispute to the survey team and the survey team, after being satisfied with the said documents, shall take action in fixing the boundaries, in accordance with law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 30-10-2015

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