

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

TUESDAY, THE SECOND DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.15317 of 2015

Between:

Inabathini Venkaiah,

S/o. Subbarayudu,

Aged 82 years, Occ: Retired Employee,

R/o. Door No.2-1-156,

Gaddalagunta Colony, Ongole City,

PRakasam District.

.. Petitioner

AND

State of Andhra Pradesh,

Rep. by its Principal Secretary to

Municipal Administration and Urban Development

Department, Secretariat, Saifabad,

Hyderabad & 4 others

.. Respondents

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

With the consent of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration for the 1st respondent and the learned Standing Counsel for respondents 2 and 3, this writ petition is disposed of at the admission stage.

2. The petitioner claims to be the owner and in peaceful possession of property admeasuring Ac. 0.72 cents in Old Town Survey No.178/1 and New Survey No.178/2B of Pernamitta Revenue Village in Santhanuthalapadu Mandal of Prakasam District, which is within the limits of Ongole Municipal Corporation. The petitioner is aggrieved by the impugned notice, dated 25.05.2015, whereby the petitioner was informed that based on an application filed by a person by name

Sri Bookisam Srinivas Rao, the Municipal Corporation decided to undertake measurements and fix the boundaries of the land in Old Town Survey No.178/1 on 03.06.2015 and the petitioner was directed to appear.

3. Learned counsel for the petitioner submits that there was an *inter se* dispute between the petitioner and respondents 4 and 5, which was resolved in favour of the petitioner and, therefore, the Municipal Corporation has no authority to undertake survey of land in Old Town Survey No.178/1. Learned counsel for the petitioner further submits that having come to know that an application was filed for conducting of survey, the petitioner submitted an application on 21.04.2015 requesting the Ongole Municipal Corporation to furnish the relevant information/documents, but the Municipal Corporation has not furnished the information and, therefore, the petitioner is helpless in submitting objections to the respondent Corporation.

4. Learned Standing Counsel representing the Municipal Corporation submits that it is only a survey notice and whatever objections the petitioner has, he can raise before the Corporation Surveyor and as the land falls within the municipal limits, the respondent Corporation has competence to undertake survey on an application filed by the aggrieved person and, therefore, there is no illegality in the notice issued to the petitioner.

5. Having regard to the fact that the land is falling within the limits of the second respondent Corporation and the impugned notice, dated 25.05.2015, issued for conducting of survey does not take away any right vested in the petitioner on the property claimed by him, but it is only intended for the purpose of determination of boundaries of the land standing in Old Town Survey No.178/1, by issuing the notice for conducting such survey, it cannot be said that grave

prejudice is caused to the petitioner warranting interference by this Court at this stage. It is always open to the petitioner to raise objections on the relevancy of conducting of survey and determining boundaries of the land in Old Town Survey No.178/1. It is needless to observe that when such objections are raised, duty is cast upon the Corporation Surveyor as well as the Corporation to consider such objections. As pointed by the learned counsel for the petitioner, though a representation was submitted by the petitioner on 21.04.2015 eliciting information, the Corporation did not furnish information and proceeded to conduct the survey.

6. Having regard to the same, the Writ Petition is disposed of directing the respondent Corporation to furnish the information sought by the petitioner within a period of one (1) week from the date of receipt of a copy of this order and on receipt of such information, as requested by the petitioner, the petitioner shall submit detailed objections in support of his claim and after receipt of such objections, the respondent Corporation shall consider and proceed further in conducting survey as envisaged in the impugned notice, dated 25.05.2015. Since the relevant documents are not furnished to the petitioner as on today and the petitioner is now given an opportunity to file written objections with supporting documents, the survey as proposed on 03.06.2015 should be postponed to a date after receipt of objections by the petitioner, which shall be filed within one (1) week from the date of receipt of the documents sought by him in his representation, dated 21.04.2015, and the petitioner shall be informed of the next date of conducting survey. It is made clear that no findings are recorded on the merits of the contentions and all the issues regarding survey and other aspects connecting therewith are left open between the petitioner and the party respondents. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 2nd June, 2015

Note: Issue C.C. in two (2) days.

(B/o.)

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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Date: 2nd June, 2015

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