

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No.16815 of 2011**

**ORDER:**

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The present writ petition is filed to declare the action of the respondents in not conducting survey and sub-division of survey No.5/1, Maddumudi village, Manubolu Mandal as illegal and arbitrary and consequently, direct the respondents to carry out the survey, localize the land of the petitioner in survey No.5/1, fix the boundaries and effect sub-division of survey No.5/1 as per title deeds of the petitioner and other owners of said survey number.

The averments in the writ petition are as under:

Originally one Nanga Krishna Reddy is the owner of land to an extent of Ac.07-00 guntas in survey No.5/1 situated at Muddumudi village. The petitioner purchased the same from him under a registered sale deed dated 22-06-1981 and since then, he is in possession and enjoyment of the same. The total extent of land in survey No.5/1 is Ac.42-00 guntas, which was owned by one M.Karunakar Reddy and P.Sreenivasulu Reddy along with the petitioner in different extents. As such, the petitioner applied for survey for fixing the boundaries to his land. The Mandal Surveyor marked the extent of land, which is in possession of the petitioner and on conducting survey by private surveyor, the extent was found to be less than Ac.06-00 guntas. Thereafter, the petitioner made a representation on 02-04-2009 to the Revenue Divisional officer, Gudur for survey of the land. The Deputy Inspector of Survey without referring to the title deeds and boundaries mentioned therein held that the land in possession of the petitioner is Ac.06-15 cents only. As such, on 25-02-2010 the petitioner applied to the 1<sup>st</sup> respondent for sub-division and survey of S.No.5/1 and localization of Ac.07-00 guntas in the said survey number. Pursuant thereto, the 1<sup>st</sup> respondent directed the Inspector of Survey-1 Nellore vide memo dated 21-12-2010 to conduct

survey, fix the boundaries and to effect sub-division in the survey number. But, the respondents did not take any action on it.

At the time, when the matter is taken-up for hearing, the learned counsel for the petitioner submits that the survey has been conducted, but however the application for sub-division is still pending consideration before the 2<sup>nd</sup> respondent (the Tahsildar). It is stated by the learned counsel for the petitioner that requisite fee was also paid. The said fact is not disputed by the learned Government Pleader for Revenue.

Without going into the merits of the case, the present writ petition is disposed of by directing the 2<sup>nd</sup> respondent to dispose of the application of the petitioner which is pending for sub-division in respect of lands in old survey No.5/1 (new survey No.80/1) of Muddumudi Village, Manubolu Mandal as expeditiously as possible and pass appropriate orders in accordance with law.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

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**JUSTICE C. PRAVEEN KUMAR**

01-07-2015

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