

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39611 of 2012

ORDER:

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

The present writ petition came to be filed seeking writ of mandamus declaring the action of the respondents in not conducting survey and fixing the boundary stones in respect of land admeasuring Ac.40.15 gts., situated in Sy.Nos. 340, 343, 344, 347, 348 and 358 of Jala Village, Rajapet Mandal, Nalgonda District, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondents to conduct survey and fix the boundaries immediately.

The petitioners herein claim to have purchased various extents of land in Sy.Nos. 340, 343, 344, 347, 348 and 358 of Jala Village, through various sale deeds and got their names mutated in the revenue records. It is stated that the neighbouring land owners tried to encroach the land of the petitioners and to avoid disputes in future with regard to boundaries of each survey number, the petitioners made a representation dated 16.04.2012 requesting the first respondent to fix boundary stones after conducting survey and an amount of Rs.800/- was also paid. It is their case that the first respondent in turn forwarded the matter to the second respondent and the second respondent issued notice dated 19.04.2012 to the petitioners and others fixing the date of survey on 23.07.2012. Though the petitioners and others were present on the spot on 23.07.2012, the second respondent neither come to the spot nor informed the petitioners as to when he is going to conduct the survey and fix the boundaries. Hence, the writ petition.

Though no counter is filed, the Government Pleader for Revenue on instructions dated 24.12.2012 submitted that notice was given to the petitioners and neighbouring land owners for conducting survey on 23.07.2012, but for some reason the Surveyor could not attend the survey. He submits that the second respondent would undertake the same at the earliest, if the same is not already done.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of directing the second respondent to conduct survey and fix the boundary stones in respect of land admeasuring Ac.40.15 gts., situated in Sy.Nos. 340, 343, 344, 347, 348 and 358 of Jala Village, Rajapet Mandal, Nalgonda District, after giving notice to the petitioners, within a period of eight (08) weeks from the date of receipt of a copy of the order, if the same is not already done. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

07.10.2015

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