

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17946 of 2011

ORDER:

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

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the inaction of the respondent in conducting the survey of the petitioner's land in Sy.Nos. 400, 360, 361 and 371 of Bommarasipet Village, Shamirpet Mandal, Ranga Reddy District, as illegal and void; and consequently set-aside the impugned proceedings in Memo No.F/67/2010 dated 22.12.2010 issued by the respondent.

The averments made in the affidavit filed in support of the writ petition are as under:

The petitioner who is a resident of Bommarasipet, Shamirpet Mandal, Ranga Reddy District, claims to have purchased Ac.16.02 gts., in Sy.No.400/E situated at Bommarasipet Village from his vendors by name Syed Rashiduddin and Amatur Raheem by virtue of a registered sale deed No. 391/1966 dated 10.06.1966 for a valid consideration. Since then, the petitioner claims to be in possession of the said property. Out of the said extent, the petitioner sold Ac.5.00 and Ac.2.10 gts. to third parties. As per adangal pahani for the year 2005-2006 the petitioner is said to be holding land admeasuring Ac.2.26 gts., in Sy.No.402/A, Ac.2.35 gts., in Sy.No.400/E, Ac.18.36 gts., in Sy.No.392, Ac.2.04 gts., in Sy.No.371, Ac.2.27 gts., in Sy.No.361/E and Ac.1.00 in Sy.No.360/RU, for which the Mandal Revenue Officer, Shamirpet also issued pattadar pass book vide patta No.587. It is stated that the petitioner made an application to the respondent for conducting survey of his land, but without deputing the surveyor for conducting survey, the

respondent issued a memo No. F/67/2010 dated 22.12.2010 informing the petitioner that the lands cannot be surveyed for the reason that the above survey numbers are sub-divided numbers. Challenging the same the present writ petition came to be filed.

The respondent filed counter affidavit stating that the survey numbers have been divided into several sub-divisions and there are no records to that effect. As per the sub-divisions the petitioner is holding land to an extent of Ac.3.03 gts., in Sy.No.360/RU, Ac.2.27 gts., in Sy.No.361/EE, Ac.2.04 gts., in Sy.No.371/A and Ac.3.15 gts., in Sy.No.400/E of Bommarasipet Village. It is further stated that on receipt of an application from the petitioner, the Mandal Surveyor initiated action and found that the petitioner sought for demarcation of portion of his lands in the above survey numbers, for which there was no sub-division done previously. As such the respondent issued the impugned memo informing the petitioner that the survey sought for demarcation of fields in the above survey numbers are portion lands and the same could not be done. It is further stated that the Commissioner and Director of Settlements, Survey and Land Records, Hyderabad issued guidelines vide D.O.Rc.No.N1/4296/2012, dated 22.08.2012 for demarcation of part of survey lands. The said circular prescribes particular procedure to be adopted for conducting survey in lands which are sub-divided.

The Government Pleader submits that the respondent will comply with the instructions given therein provided the petitioner fulfils the condition contemplated in the said circular. The counsel for the petitioner submits that his client is ready to comply with all the conditions as prescribed in the circular.

Having regard to the circumstances stated above, the writ petition is disposed of directing the petitioner to make a fresh application as per the guidelines given in D.O.Rc.No.N1/4296/2012 dated 22.08.2012 issued by the Commissioner and Director of Settlements, Survey and

Land Records, Hyderabad, within three (03) weeks from today, in which even the respondent shall take steps for conducting survey of the land within a period of three (03) weeks thereafter and pass orders in accordance with law. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

01.09.2015

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