

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.39902 of 2015

BETWEEN

Kakarlapudi Veeraju.

... PETITIONER

AND

State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 28.12.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

Petitioner herein had earlier approached this Court by WP.No.14741 of 2008 alleging that the fifth respondent is not protecting the land of Smt. Neelayamma Satram at Dakamarri Village, Visakhapatnam District and also at Vijayanagaram in the name of Sri Vidyarthi Neelayamma Satram and Yathi Satram at Benares.

The said writ petition was disposed of on 10.07.2008 directing the fifth respondent to consider the representation of the petitioner and take appropriate necessary steps as sought for in the representation dated 30.04.2008.

2. Petitioner states that the encroachers, who are squatting on the land, have been found to form an association and sought pattadar pass books and titled deeds, for which survey was found necessary to be conducted. However, the survey operation was stated to have been handed over to seventh respondent at huge cost of Rs.60,00,000/- excluding the Government machinery, which is available for conducting the survey. Hence, the impugned proceedings of the Joint Collector dated 27.07.2015 is questioned in this writ petition, particularly, relating to entrustment of survey work to the seventh respondent. This Court, therefore, by order dated 09.12.2015 issued notice to respondents 1 to 4 and directed that if the survey operations as per the impugned order have not yet been commenced, they shall remain on hold till the next date of hearing.

3. Learned Government Pleader for Revenue has since received instructions from the Joint Collector, Visakhapatnam dated 18.12.2015 stating as under:

"In this connection, I furnish hereunder the brief facts of the issue for better appreciation of the case:-

1. The village "Bapiraju Tallavalasa" of Padmanabham Mandal is taken over by the Government under the provisions of E.A. Act, 1948 on par with other villages of this kind.
2. The village B. Tallavalasa is having a huge extent of land measuring an extent of Ac.1182.63 cents and for more than 60 years, though farmers were in possession & cultivation, the rights of lawful enjoyers were not confirmed, since the survey operations were not taken up.
3. Also the ryots have represented on many occasions to conduct survey & confirm their rights over the land.
4. Hence in order to address the long pending grievance survey operations were taken up.
5. As the village is having huge extent, many survey teams were formed with Deputy Inspector of Survey, Govt. Surveyors, Chainman, Draftsman & proceedings were duly issued vide
 - a. Rc.No.A1/352/2014, Dt.27.07.2015 of the Assistant Director, Survey & Land Records, Visakhapatnam deputed seven (07) surveyors for preliminary survey operations.
 - b. Rc.No.A1/352/2014, Dt.23.09.2015 of the Assistant Director, Survey & Land Records, Visakhapatnam deputed one (1) Senior Draftsman, C.D. Grade – I and II four (04) in addition to the Seven (07) surveyors deputed vide Rc.No.A1/352/2014, Dt.27.07.2015 total 12 members for plotting and verification.
 - c. Rc.No.A1/352/2014, Dt.03.10.2015 of the Assistant Director, Survey & Land Records, Visakhapatnam deputed Six (06) surveyors for plotting in Bhoomithi work.
 - d. Rc.No.A1/352/2014 of the Assistant Director, Survey & Land Records, Visakhapatnam Dated 10.09.2015 deputed seven (07) surveyors for survey work.
 - e. Rc.No.A1/352/2014 Dated 06.10.2015 of the Assistant Director, Survey & Land Records, Visakhapatnam deputed Eleven (11) surveyors & Five (05) Grade I & II for verification of sketches.
 - f. Rc.No.A1/352/2014 of the Assistant Director, Survey & Land Records, Visakhapatnam Dated 19.10.2015 deputed six (06) C.D Grade I & II, Fifteen (15) surveyors for verification and stone plantation work.

- g. Rc.No.A1/352/2014 of the Assistant Director, Survey & Land Records, Visakhapatnam Dated 20.11.2015 deputed Thirteen (13) surveyors & Five (05) C.D Grade I & II for Khandam wise survey in order to adjust these teams & total of seven (07) Deputy Surveyors.

From the above, it may be noted all the survey officers deputed above are regular Government surveyors. It can also be noted that to conduct the survey operations in a systematic manner all the above Government surveyors who are experienced in survey work were deputed.

Also government has issued G.O.Ms.No.800 duly permitting licensed surveyors for conducting Survey. According to the G.O., the licensed surveyor shall be deemed to be survey officer for the purposes of section 22 of the act. The survey records prepared by the licensed surveyors shall be scrutinized and authenticated in such a manner as may be prescribed by the Director of Settlements Survey and Land Records.

Sri P. Bala Krishna Prasad S/o late P. Narasinga Rao on behalf of M/s GEOCON is also a licensed surveyor having valid license no.0015 vide ref.no.S1/8048/07 dated 08.10.2007.

However, it is pertinent to mention that we have utilized the private surveyors only to assist the regular Government surveyor teams deputed vide Proceedings mentioned above. Further, with continuous efforts by an expert team of surveyors, chainman, draftsman, deputy Inspectors of survey who were deputed for survey work, **the survey operations were completed and finalized."**

4. In view of the above, therefore, it is clear that only technical assistance is sought from the seventh respondent, who is a licensed surveyor and such assistance is permissible under G.O.Ms.No.800, referred to above, issued by the Government. It is also mentioned that the survey operations were already completed and finalized and the said survey records will be scrutinized and authenticated as prescribed by the Director of Settlements Survey and Land Records. The survey operations, having been already completed, it is open for respondents 1 to 4 to finalize the said survey and thereafter, take appropriate consequential action in accordance with law.

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

VILAS V. AFZULPURKAR, J

December 28, 2015

DSK