

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.30572 of 2015

ORDER:

Heard.

The petitioners are aggrieved by the survey conducted by the 2nd respondent at the instance of the 3rd respondent in File No.A3/2799/2015, dated 21-08-2015.

It appears that the said survey was conducted without notice to the petitioners, who are vitally interested in the land in question and for which O.S.No.1030 of 2014 is already pending before the III Additional District Judge, Ranga Reddy District.

Learned counsel for the petitioners states that the 3rd respondent is the G.P.A. Holder of the plaintiffs in the said suit. It is also stated that W.P.No.4188 of 2014 filed by the 3rd respondent is also pending before this Court, which is being contested by the petitioners.

In the circumstances, therefore, the present writ petition is filed alleging that the petitioners ought to have been given notice of the said survey and thereby, the aforesaid survey proceedings are sought to be challenged in this writ petition.

Even assuming that the petitioners contention is correct and tenable, since the survey is already conducted on 21-08-2015, I do not see any reason to entertain the writ petition, particularly, as the petitioners have efficacious alternative remedy of questioning any orders of the Survey Authority passed under Sections 9 and 10 by preferring an appeal under Section 11 of A.P.Survey and Boundaries Act, 1923.

Learned counsel for the petitioners fairly states that in view of the said remedy, the petitioners be permitting to avail the appellate remedy and accordingly, seeks two weeks time, so as to enable the petitioners to prefer an appeal.

Accordingly, the writ petition is disposed of permitting the petitioners to

avail such appellate remedy within two weeks from today and if any such appeal is filed, the appellate authority shall consider the same without raising any objection as to limitation and hear and dispose of the appeal, in accordance with law, after issuing notice and hearing all the parties concerned. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 18-09-2015

Note:

Issue C.C. in two days

(B/o)

Prv

