

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.18254 of 2016

ORDER:

The petitioner filed this writ petition aggrieved by the action of the 3rd respondent-Tahsildar, Karlapalem Mandal, Guntur District, in making an endorsement dated 2-2-2016 refusing to conduct survey and fixing boundaries of the land of the petitioner in an extent of Ac.0-36 cents in Sy.Nos.322/6, 338/8, 338/14 bearing D.No.1-1-4 and appurtenant site of Nallamothuvaripalem, Karlapalem Mandal, Guntur District. The case of the petitioner is that there is dispute with regard to the boundaries in respect of the above said land with his neighbour and when his neighbour has removed the stones on northern side of house, he made an application for survey of his land, but the same was rejected by the impugned order. Petitioner states that he has further made a representation on 14-03-2016 to conduct the survey in respect of the subject land and the same has not been disposed of by the 3rd respondent. Hence, this writ petition.

2. Heard learned counsel for the petitioner and the learned Asst. Government Pleader for Revenue.

3. Learned counsel for the petitioner submits that in similar fact situation this Court in WP No.6690 of 2016, following the Division Bench decision in WA No.110 of 2013, which was followed by

another Division Bench in WA No.1003 of 2013, directed the revenue authorities therein to conduct survey and demarcate the boundaries.

4. On the other hand, learned Assistant Government Pleader for Revenue submitted that the petitioner has not submitted the relevant documents and therefore no action could be taken on his representation on 14-03-2016.

5. Inasmuch as the Division Bench of this Court in WA No.110 of 2013 & also in WA No.1003 of 2013 have categorically held that survey of private lands can be undertaken by the authorities of the Survey Department of the Government in the absence of any prohibition contained in AP Survey and Boundaries Act, 1923, the impugned endorsement rejecting survey of the land of the petitioner in question is set aside and the 3rd respondent is directed to take steps on the representation made by the petitioner on 14-03-2016, within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken thereon within period of two weeks thereafter. The petitioner to make available the relevant documents with respect to the subject matter to the 3rd respondent.

6. The writ petition is accordingly disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

A. RAJASHEKER REDDY, J

Dated: 10-06-2016

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