

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 26207 of 2016**

**ORDER:**

Petitioner states that pursuant to the directions issued by this Court dated 09.03.2015 in Writ Petition No.4861 of 2015, a survey was conducted by the authorities under the Survey and Boundaries Act (for short 'the Act') with respect to the land in Survey Nos.77 and 78 of Polekuru Village, Tallarevu Mandal, East Godavari District. The grievance of the petitioner society is that the survey was not properly done. Hence, the petitioner filed this writ petition seeking a direction to respondent No.5-Assistant Director of Survey & Land Records, Kakinada to conduct re-survey and demarcate the land in Survey Nos.77 and 78.

Learned counsel for the petitioner has tried to persuade this Court to direct the respondent authorities to consider and dispose of the representations stated to have been submitted by the petitioner.

Considering the scope of the provisions of the Act, I am not inclined to pass such order acceding to his request.

It may be noted that if a person is aggrieved with respect to the survey conducted and report submitted, an appeal lies against the same. There is a statutory remedy of appeal against the orders passed under Section 9 or 10 of the Act.

In those circumstances, this Court deems it appropriate that interests of justice would be met, if liberty is given to the petitioner to approach the appellate authority as prescribed under the Act

and the Rules made thereunder. As and when such appeal is filed, the appellate authority shall consider the same, deal with the objections that are raised by the petitioner with regard to the survey and take into account the fact that the petitioner is a Fishermen Cooperative Society and pass necessary orders within eight weeks from the date of filing of the appeal after giving opportunity to all the parties concerned.

The writ petition is accordingly disposed of.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

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**CHALLA KODANDA RAM, J**

Dt:05.08.2016

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