

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28593 of 2016

ORDER:

This writ petition is filed challenging the impugned proceedings dated 22-06-2016 in letter No.A3/332/2015, wherein the Assistant Director of Survey and Land Records issued the proceedings fixing the boundaries of Sy Nos.39, 40 and 41 situated at Chetlachennaram Village, Kangal Mandal, Nalgonda District.

Learned counsel for the petitioners submits that already survey was conducted and the proceedings were issued and the panchanama was conducted on 19-03-2015 and again on the application of the 9th respondent the impugned proceedings are issued. He also submits that already civil suit is filed by the respondents 8 and 9 in O.S.No.57 of 2015 in respect of land in Sy.No.40 and 484 to an extent of Ac.2-28 guntas. Once the survey is conducted on 19-03-2015, the 3rd respondent again conducted survey simply stating that the Mandal Surveyor has not properly conducted the survey.

On the other hand, learned Assistant Government Pleader for Revenue submits that against the impugned proceedings, the petitioners have alternative remedy of appeal under Section 11 of A.P. Survey and Boundaries Act, 1923 (for short "the Act").

Learned counsel appearing for the respondents 7 to 9 submits that the petitioners can impeach the proceedings in the suit filed by the respondents 8 and 9 and this Court cannot go into the disputed questions of fact.

Section 11 of the A.P. Survey and Boundaries Act reads as under:

Appeals against orders under Sections 9 or 10:

Any person affected by a decision under (Section 9 or 10) may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision, ordered by the appellate authority, shall be noted in the record prepared under Section 9 or 10 as the case may be.

(2) (A copy of the order and a copy of the map recording the boundaries as determined under Sections 9, 10 or 11 (1) shall be furnished to any person interested in such order or map) as the case may be on his application and at his cost.

Admittedly, the petitioners have remedy under Section 11 of the Act and the petitioners also can impeach the validity of impugned proceedings issued by the 3rd respondent in the civil suit or they can avail alternative remedy under Section 11 of the Act.

In view of the same, I do not see any reason to entertain the writ petition and accordingly, the same is dismissed granting liberty to the petitioners to avail either of the remedies indicated above.

As a sequel to the disposal of this petition,
miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

26-09-2016
Nvl



