

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT APPEAL No. 185 OF 2016

08-03-2016

Between:

R.H. Sunder Rao and others

... Appellants

And

State of Telangana, rep., by its Secretary, Revenue Department,
Telangana Secretariat, Hyderabad and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P. NAVEEN RAO

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WRIT APPEAL No. 185 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 29-01-2016 passed in Writ Petition No. 2539 of 2016, whereby the appellants challenge to proceedings No.D/1887/2015 of June, 2015 of Tahsildar, Balanagar Mandal, respondent No.3, as furnished to the appellants on 04-01-2016 and the report of the Mandal Surveyor, Balanagar, respondent No.4, dated 26-06-2015 as furnished to the appellants on 21-01-2016, has been rejected.

The appellants have challenged the survey done by the Mandal Surveyor contending that it was without notice to them though they are adjoining landowners of the land in Sy.No.116 of Kukatpally Village. It is not in dispute that in pursuance of the orders of the civil Court, comprehensive survey is being done by the Assistant Director of Survey and Land Records. In view thereof, learned single Judge while dismissing the writ petition, in the concluding paragraph, observed thus:

“Keeping in view, however, that the claim of the petitioners is with regard to Survey No.115, I do not see any reason to entertain the Writ Petition as the impugned proceedings relate to Survey No.116 and that too based on a report of the 4th respondent. Moreover, the civil Court has already directed a survey based on which the Assistant Director of Survey and Land Records already informed the date of proposed survey which is likely to be held in near future and the same is with regard to the suit land in Survey

No.115. Hence, even if there is any report of the 4th and 3rd respondents regarding Survey No.116, I am unable to understand as to how the petitioners are the affected parties. Hence, I do not see any reason to entertain the Writ Petition.”

Even if the appellants contention that the impugned survey has been done without notice is correct, that would not cause any prejudice to the appellants since a survey will be done, in pursuance of the order of civil Court, after giving notice to all concerned by Assistant Director of Survey and Land Records. Hence, we are satisfied that the observations made by learned Judge while disposing of the writ petition are sufficient to protect the appellants interest.

Hence, the appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

08-03-2016

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