THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Writ Petition Nos.91 of 2013, 12060 of 2014, 762, 770, 1270, 1429, 1465, 1573, 2102, 2184, 2477, 2528, 3578, 3592, 3885, 4486, 5166, 5380, 5493, 6349, 7923, 9005, 9340, 9631, 9867, 10067, 10353, 10701, 13285, 13697, 15538, 16647, 17822, 18346, 18976, 19764, 20453, 20520, 21327, 23153, 24375, 24936, 25235, 26708 of 2015, 3551, 4201, 4917, 4928 and 5720 of 2016

COMMON ORDER:

In all these cases the petitioners claim that they have applied for survey of their lands to the respondents and that the respondents have not taken action to conduct survey as per their request.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for official respondents.

3. Learned counsel for the petitioners as well as the learned Government Pleader for Revenue have placed before me order dt.14-06-2013 in W.A.No.110 of 2013 wherein a Division Bench of this Court, after referring to the Government Circular Rc.No.N2/1741/2010 dt.18-05-2010, prescribing guidelines, based on Board Standing Order No.34-A paragraph 20 and proceeding in D.O.Rc.No.N1/4296/2012 dt.22-08-2012 of the Commissioner, Survey, Settlements & Land Records, Andhra Pradesh, Hyderabad in regard to the demarcation

of survey numbers, opined that there is no bar for revenue officials to conduct survey of lands at request of private parties subject to their furnishing relevant documents. It specifically held that the Circular referred to above issued by the Government permits revenue officials to conduct survey on applications of the private parties.

4. The learned Government Pleader for Revenue appearing for official respondents also admitted the same fact.

5. The view expressed by the Division Bench in W.A.No.110 of 2013 has also been followed by another Division Bench in its order dt.16-07-2013 in W.A.No.1003 of 2013. Both these Division Benches have rejected the view that there cannot be survey of private lands by authorities of the Survey Department of the Government.

6. These two judgments have been followed in **Golli Nagayamma and others Vs. State of Andhra Pradesh, rep. by its District Collector, Visakhapatnam and others**[1] by a learned Single Judge of this Court.

7. Merely because there is no specific provision in AP Survey and Boundaries Act, 1923 (for short 'the Act') providing survey of private lands, it cannot be said that the authorities in the Survey Department of the State Government are prohibited from doing survey of private lands. Unless such a prohibition is provided in the Act, as

public servants having expertise in doing survey (like other experts in fields of ballistics, handwriting, DNA etc.), it is incumbent on the officials of the Survey Department of the State Government to survey private lands if a request to that effect is made after collecting the necessary charges therefor. The circulars referred to above as well as other Government G.Os. issued by the Revenue Department in this regard would be binding and would govern the procedure to be followed in respect of survey to be conducted for private patta lands as well.

8. As held by this Court in **Hyderabad Potteries Pvt. Ltd. Vs. Collector, Hyderabad District and another**[2], the scheme of the AP Survey and Boundaries Act, 1923 would make it clear that the survey made under the said Act is mainly intended for the purposes of identification of the land and fixation of boundaries and there is no provision under the said Act for making any detailed enquiries with regard to right, title and interest of the persons in the land. Persons who are aggrieved by any decision referred to in the survey have liberty to approach the appropriate Civil Court for adjudication, if needed. There is also a remedy under Section 11 of the said Act to the appellate authority constituted under the Act instead of Commissioner of Survey, Settlement and Land Records. As held in **Khaja Naseeruddin and others Vs. Commissioner, survey, Settlement and**

Land Records, Hyderabad and others[3]**,** if survey is sought by a person, after issuing notice on parties interested and in particular the registered holders of land, the concerned official should conduct survey and demarcation in their presence.

9. The above principles are to be kept in mind and the above circulars are to be followed by the respondents while conducting survey of private lands under the Act.

10. In this view of the matter, the above Writ Petitions are allowed and the concerned Mandal Revenue Officer is directed to cause a survey for demarcating the lands of the petitioners by considering their respective applications after collecting necessary charges therefor, if not collected earlier, within eight weeks from the date of receipt of a copy of this order after issuing notice to the petitioners and other affected parties and shall communicate his decision thereon to the petitioners. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-04-2016
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[1] 2015 (4) ALT 98

[2] 2001 (3) ALT 200

[3] 2007 (1) ALT 707