

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11853 OF 2016

ORDER:

Notice dated 02.04.2016 issued by the 2nd respondent is challenged before this Court.

It is the contention of the petitioner that in an earlier occasion when the respondent tried to encroach the land of the petitioner, he filed O.S.No.1214 of 2010 on the file of Senior Civil Judge, Ranga Reddy District at L.B.Nagar wherein the Endowment Department also filed written statement. Now once again, an attempt is being made by the respondent authorities and in the process notice purporting to survey the land has been issued to the petitioner. It is also the contention of the petitioner that he does not have any objection if the authorities under the Survey and Boundaries Act conduct survey by following due process, which would protect the interest of all the parties concerned as there is a provision for appeal, in the event any of the parties being aggrieved by the survey report.

Learned Government Pleader opposed the writ petition and raised objection that so far as the suit is concerned, as can be seen from the cause title, certain individuals have been made as party respondents in their names.

Having considered the material on record, the respondents claim land in Survey No.40,42, 43 of Gandipet Village, Rajendra Nagar Mandal, Ranga Reddy District and the petitioner claims the right over the said land. The issue with respect to survey can be resolved if liberty is granted to respective parties to approach the authorities under the Survey and Boundaries Act by invoking Section 11 of the Survey and Boundaries Act by paying requisite fee within 10 days from today. On such application of the petitioner being made, the Assistant Director, Survey and Boundaries authorities, Rajendranagar shall issue notice to all the persons concerned including the office of the Commissioner, Land Protection Cell, Endowment Department, Hyderabad and fix the boundaries, after taking into consideration the respective documents that may be produced before them. It is made clear that the survey shall be conducted strictly in accordance with the notified terms and procedure. Liberty is given to the parties to file their work memos before the concerned. The entire exercise shall be made by the Assistant Director within a period of six weeks from the date of filing of the application. It is made clear that till such time, the joint survey conducted by the Assistant Director and the notice issued by the respondents shall be kept abeyance.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

CHALLA KODANDA RAM, J.

Date:11.04.2016.

Note: Issue cc. tomorrow.

b/o kvrm

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