

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 41765 of 2016

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.3 in not conducting survey and fixation of boundaries to petitioners' land in Survey No.816 of Budamgunta Village, Kavali Mandal, SPSR Nellore District as illegal and arbitrary.

4. The averments in the affidavit filed in support of the writ petition would show that the petitioners purchased land admeasuring three different extents out of total extent of Acs.12.60 cents in Survey No.816 of Budamgunta village, Kavali Mandal under registered sale deeds. Though the petitioners purchased their respective land with specific boundaries, there are no boundary stones and sub-division. Accordingly, on 14.09.2015, the petitioners applied to respondent No.3 through Mee Seva seeking sub-division and also to conduct survey and fix boundaries by paying necessary fees, but till date no survey or fixing of boundaries is done.

Questioning the inaction of respondent no.3, the present writ petition came to be filed.

5. Learned counsel for the petitioner submits that there is no bar to conduct survey of private land and hence respondent No.3 may be directed to dispose of the application dated 14.09.2015 at the earliest.

6. It is to be noted that this Court in ***Muramalla Padmavathi Vs. State of A.P., rep. by its Principal Secretary, Revenue Dept., Hyderabad and others***¹, while dealing with the issue of survey of private lands, held as under:

“Merely because there is no specific provision in A.P. 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.”

7. In view of the judgment referred to above and having regard to the circumstances of the case, respondent No.3 is directed to dispose of F-Line application dated 14.09.2015, made by the petitioner, within a period of six weeks from the date of receipt of a copy of this order, in accordance with law.

¹ 2016 (3) ALT 653

8. Accordingly, the writ petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

01.12.2016,
vhh

