

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36032 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Asst. Government Pleader for Revenue (TG). With their consent, the Writ Petition is disposed of at the stage of admission itself.

The case of the petitioner, in a nutshell, is that he made an application to the 3rd respondent on 02.12.2015 requesting to conduct survey and fix the boundaries in respect of land to an extent of Ac.1.30 gts. In Sy.No.113/1, Nuthankal Village, Thallada Mandal, Khammam District and also paid necessary fee for surveying the lands in survey Nos.113/1, 129/1, 247/A/9, 248/A/7. However, till date no action has been taken by the respondents for conducting survey as sought by the petitioner. Aggrieved by the said inaction, the present writ petition is filed seeking a direction to the respondents to conduct survey of petitioner's land.

Learned counsel for the petitioner while relying on the judgment, dated 14-06-2013, passed by a Division Bench of this Court in W.A.No.618 of 2013 submits that basing on the Circulars issued by the Government, the Writ Appeal was disposed of directing the respondent-authorities to conduct survey and issue necessary survey report/proceedings to the appellant/petitioner therein.

Learned Government Pleader for Revenue by placing reliance on the Circulars vide Rc.No.N1/1408/07, dated 13-07-2007, Rc.No.N1/6543/99, dated 25-07-2001 and Circular vide Rc.No.N2/1741/2010, dated 18-05-2010 issued by the Commissioner, Survey, Settlements and Land Records, submits that unless the petitioners comply with the conditions laid down in the said Circulars, they cannot, as a matter of right, seek directions for conducting the survey and demarcation of their lands. The Circulars are issued only to facilitate the survey of private lands. He also submits that in W.A.No.618 of 2013, relied on by the learned counsel for the petitioners, a direction was issued for compliance of conditions and after production of relevant documents for survey as sought by the respondents in Memo dated 16-04-2012 and reminder Memo dated 10-06-2013, the respondents are directed to conduct survey and issue necessary report/proceedings to the appellant therein. Learned Government Pleader basing on the counter submits that in respect of the plots situated in approved layouts of Municipalities and Municipal Corporations, the survey cannot be conducted by the Survey department and it is for the licensed surveyors licensed by the Corporations to conduct the survey.

A perusal of the Circulars relied on by the learned Government Pleader for Revenue goes to show that subject to compliance of conditions in the Circulars, survey can be undertaken. The Division Bench in the said Judgment also considered the effect of Circulars and set aside the order of learned Single Judge. Learned counsel for the petitioners also not

disputed that the petitioner has to comply the conditions in the Circulars relied on by the learned Government Pleader for Revenue. In fact, the Division Bench issued directions basing on the Circulars. Learned Government Pleader for Revenue also states that while taking up the survey and demarcation of the lands, the Survey Department has to follow the provisions under Sections 89, 89-A and 92 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (For short "the Act").

In view of the above facts and circumstances, the writ petition is disposed of directing the respondent-authorities to consider the application of the petitioner dated 02.12.2015 for survey and demarcation of land after receiving necessary charges, keeping in view the Circulars vide Rc.No.N1/1408/07, dated 13-07-2007, Rc.No.N1/6543/99, dated 25-07-2001 and Circular vide Rc.No.N2/1741/2010, dated 18-05-2010 and also in terms of the judgment in W.A.No.618 of 2013 and also keeping in view the provisions of Sections 89, 89-A and 92 of the Act and take necessary action and communicate the decision to the parties. It is open for the petitioner to prefer appeal against the said order, if he is aggrieved in terms of circulars referred to above.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

Date: 25.10.2016
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