

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17273 of 2012

ORDER:

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

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.1 to 3 in not conducting joint survey of the land of the petitioners ie. land admeasuring ac.11.16 gts., in Sy.No.291, Ac.10.02 gts., in Sy.No.292, Ac.13.38 gts., in Sy.No.295 and the forest land in Sy.No.296 situated at Konga Kurdu-A Village, Maheswaram mandal, Ranga Reddy District, as illegal, arbitrary and in violation of Andhra Pradesh Survey and Boundaries Act, 1923; and consequently to direct the respondents to execute the joint survey of the said land and fix the boundary stones.

The averments in the affidavit filed in support of the writ petition would show that the fathers of the petitioners were in possession of the above land as Inamdars. After their death, the names of the petitioners were mutated in the revenue records and the revenue authorities also issued pattadar pass books and title deeds in favour of the petitioners. It is further stated that in the year 1978 when the officials of respondent Nos.4 to 6 tried to interfere and dispossess the father of the petitioner Nos.3 to 5, he filed O.S.No.189 of 1978 before the District Munsif, Ibrahimpatnam. The Forest Department also filed written statement in the said suit and the civil Court after conducting a full fledged trial granted perpetual injunction restraining the

respondents from interfering into the possession of the father of the petitioner Nos.3 to 5. It is stated that on 05.01.2012 the officials of respondent Nos.4 to 6 i.e. Forest Department without having any right over the said property came to the petitioners' land and started digging the pits so as to erect boundary stones. Immediately, the petitioners gave a representation dated 07.01.2012 requesting the officials of the Forest Department to conduct an enquiry and take appropriate action as per law. Without taking any action on the said representation, the authorities are said to have again visited the property on 26.03.2012, with men and machinery, and started interfering by digging pits. Since the action of the respondents was a continuous one, the petitioners herein filed W.P.No.8863 of 2012 before this Court. The said writ petition was disposed of by this Court directing the petitioners to approach the revenue authorities by way of filing representation for conducting survey between the petitioners' land and forest land. The relevant portion of the order reads as under:

“In case the petitioners approach the Tahsildar, Maheswaram for the above purpose, the Tahsildar, Maheswaram is directed to receive such an application for fixing the boundaries between the petitioners' patta lands and Forest Block land and to get the same determined with the help of Mandal Surveyor and revenue records on payment of appropriate fee as expeditiously as possible and preferably within two months thereafter.”

Pursuant to an order passed by this Court, the petitioners are said to have approached the Tahsildar, Maheswaram, for survey and to fix the boundaries. The Tahsildar, Maheswaram after receiving the representation and orders of this Court visited

the land of the petitioners along with Mandal Surveyor, verified the boundaries, but however observed that the issue can be settled by way of conducting joint survey with the revenue and forest authorities. On 30.03.2012 the Tahsildar, Maheswara, wrote a letter to the District Forest Officer, Ranga Reddy District for conducting joint survey. It is stated that in spite of such letter, no joint survey is conducted till today. Hence, the writ petition.

Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the Forest and Revenue Authorities to conduct joint survey for demarcating the land of the petitioners from the forest land. Infact, a perusal of the letter dated 30.03.2012 written by the Tahsildar, Maheswaram to the District Forest Officer, Ranga Reddy District clearly discloses that the issue of demarcating the boundaries can be settled by conducting a joint survey with Revenue and Forest Authorities. Infact, he requested the concerned not to proceed further until accurate determination of the boundary stones of the subject land.

Respondent Nos.4 to 6 filed counter stating that the Kongarakhurd Forest Block having an extent of Ac.526.04 gts., was already notified under Section 4 of the Andhra Pradesh Forest Act, 1967 and published in both State and District Gazettes in the year 1973 vide A.P.Gazette No.30-B, dated 02.08.1973 and District Gazette No.3, dated 29.07.1973. Hence, there is no objection to take up survey as per the notification by the survey officer appointed under Section 4 of the Andhra Pradesh Survey and Boundaries Act, 1923, to resolve the boundary dispute.

In view of the above, the respondents shall co-operate and

conduct a joint survey of the land, which is subject matter of dispute in the present writ petition, in accordance with law, as expeditiously as possible, preferably within a period of twelve (12) weeks from the date of receipt of a copy of the order. Till such time, status-quo as on today with regard to possession shall be maintained.

With the above direction, the writ petition is disposed of.
No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.01.2016
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