THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.14481 of 2016

ORDER:

Heard the counsel for petitioner; and the learned Government Pleader for Revenue (Andhra Pradesh), appearing for respondents.

2. In this Writ Petition, the petitioner is aggrieved by the action of respondents for not conducting survey in demarcating the petitioner's land and in not considering the petitioner's application dt.04-04-2016.

3. Learned counsel for petitioner 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 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. This Court held that conducting of survey as per Field Measurement Book and determination of boundaries would not cause any prejudice to any of the parties and the resolution of the dispute with respect to boundaries would enable the authority to deal with the matter before it.

7. Merely because there is no specific provision in the Andhra Pradesh Survey and Boundaries Act, 1923 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, 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 therefrom. The circulars referred to above as well as in 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. In this view of the matter, the Writ Petition is allowed and 3rd respondent is directed to cause a survey for demarcating the lands of the petitioner by considering the application dt.04-04-2016 within eight (08) weeks from the date of receipt of a copy of this order after issuing notice to petitioner and other affected parties; and communicate his decision thereon to petitioner. No order as to costs.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

_____

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-04-2016
Ndr/*

---

[1] 2015 (4) ALT 98
[2] 2001 (3) ALT 200
[3] 2007 (1) ALT 707