HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.4811 of 2011, 31799, 38450 of 2014, 695, 704, 705, 706, 851, 1286, 1317, 1363, 1385, 1387, 1696, 2082, 2169, 2252, 2441, 2981, 5588, 8182, 8209, 8572, 8784, 8902, 9287, 9572, 9750, 9820, 9831, 10043, 11401, 11428, 12549, 13332, 13439, 16158, 16306, 17514, 18767, 19189, 19722 of 2015 and W.P.No. 24695 of 2009

COMMON ORDER:

Since issue involved in these matters is one and the same, all these writ petitions are disposed of by this common order.

In all these writ petitions, it is the case of the petitioners that they have made representations to the respondent-authorities for conducting survey and demarcation of their lands and that they have paid necessary charges and inspite of the same, the survey is not being conducted. In some of the cases, it is the case of the petitioners that the respondent-authorities are not receiving necessary charges towards conducting of survey and demarcation of their lands. Aggrieved by the said action, the present writ petitions are filed seeking directions to receive representations and necessary charges for conducting survey and demarcation of the lands of the petitioners.

Common counter affidavit is filed admitting that the Government has issued Circulars in respect of survey of lands subject to conditions that the persons seeking survey are required to produce certain documents
in terms of Circulars and only on compliance of said conditions, the survey would be conducted. Since the petitioners have not complied with the conditions stipulated in the Circulars, they are not entitled for any directions. As such, sought for dismissal of the writ petitions.

Learned counsel for the petitioners 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 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 petitioners have to comply the conditions in the Circulars relied on by the learned Government Pleader for Revenue. In fact, 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 petitions are disposed of directing the respondent-authorities to consider the applications of the petitioners for survey and demarcation of lands 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 petitioners to prefer appeal against the said order, if they are aggrieved in terms of circulars referred to above.

Miscellaneous Petitions, if any, pending in these writ petitions shall stand closed.

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A.RAJASHEKER REDDY,J

28-04-2016
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