

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 38008 of 2016

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.4 in not conducting survey, demarcation and fixing boundaries in respect of the land admeasuring Ac.1.37 gts. in Sy.No.30, Ac.1.20 gts. in Sy.No.30/ A1, Ac.0.30 gts. in Sy.No.30/ A situated at Panchalingal Village and Grampanchayat, Marpally Mandal, Vikarabad District, as illegal, arbitrary and unjust; and consequently, direct the respondent authorities to conduct the survey and demarcation in respect of the above said land.

2) Learned counsel for the petitioner while relying upon the judgment, dated 14-06-2013, passed by a Division Bench of this Court in W.A.No.618 of 2013 would submit 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.

3) 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 Rc.No.N2/ 1741/ 2010, dated 18-05-2010 issued by the Commissioner, Survey, Settlements and Land Records, the learned Government Pleader for Revenue would submit that unless the petitioner comply the conditions laid down in the said Circulars,

he 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 petitioner, 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.

4) A perusal of the Circulars relied upon 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 petitioner also did not dispute that the petitioner has to comply the conditions in the Circulars relied upon 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”).

5) Having regard to the above facts and circumstances, the writ petition is disposed of directing the respondent-authorities to cause survey for demarcating the lands of the petitioner by

considering the application within four (04) weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner and other affected parties. While conducting survey and demarcation the respondent authorities shall follow the Circulars vide Rc.No.N1/ 1408/ 07, dated 13-07-2007, Rc.No.N1/ 6543/ 99, dated 25-07-2001; Circular vide Rc.No.N2/ 1741/ 2010, dated 18-05-2010; the guidelines issued by the Division Bench W.A.No.618 of 2013 and also the provisions of Sections 89, 89-A and 92 of the Act. It is needless to mention that the respondent-authorities shall communicate the decision to the parties. It is open for the petitioner to prefer appeal against the said order, if he is aggrieved. There shall be no order as to costs.

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

07.11.2016  
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JUSTICE C. PRAVEEN KUMAR