

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.23980 of 2012

ORDER:

Heard Mr.K.Muralidhar Reddy for petitioner, Assistant Government Pleader (Revenue) and Mr.G.Vasanth Rayudu for 6th respondent.

Petitioner prays for Mandamus declaring the action of 3rd respondent in effecting changes to sub-division Sy.No.196/1 from 225 links to 235 links in FMB without survey and demarcation, as illegal and beyond the jurisdiction of 3rd respondent.

The Assistant Government Pleader has placed before the court the xerox copies of record on the subject matter from the office of 3rd respondent.

This Court finds it convenient to chronologically refer to the events from the record produced by 3rd respondent instead of getting into the facts stated by petitioner or 6th respondent.

On 08-09-2011, the 5th respondent requested for survey and fixation of boundaries of Sy.No.196/6 of Velivennu Village, Undrajavaram Mandal, West Godavari District.

The Mandal Surveyor purporting to act on the request, dated 08-09-2011, issued notice to 5th respondent and petitioner informing the date of survey as 15-09-2011 at 12-00 noon. The notice proposes to fix boundaries as per FMB available with

Department. Admittedly, on 15-09-2011 survey was not conducted muchless boundaries determined. The case of petitioner is that in fact no survey on any day was conducted and without actually surveying the land with reference to documents of parties, the extent is changed from 225 links to 235 links by the Mandal Surveyor on 20-09-2011. On the other hand, the case of 3rd respondent is that on 19-09-2011 survey was, in fact, conducted and FMB is corrected in the presence of parties.

After perusing the record, this court is satisfied that the complaint made by petitioner against change of links appears to be correct and the record does not disclose that petitioner was intimated of the date of survey as 19-09-2011. The survey or change therefore was not in the presence of petitioner. On the short ground that 3rd respondent is unable to satisfy this court that in the presence of petitioner, the change or survey has been carried out, the change/survey allegedly carried out on 19-09-2011 is set aside. The 3rd respondent is directed to proceed from notice dated 12-09-2011, verify the documents of petitioner as well as respondent No.6, consider the request of applicant and take appropriate decision in accordance with law. The 3rd respondent is also directed to issue fresh notice to petitioner as well as 6th respondent by RPAD and it is open to parties to co-operate with 3rd respondent in conducting survey and fixing

boundaries. If either one of the parties does not co-operate with surveyor, the surveyor is given liberty to proceed in the matter in accordance with law.

The writ petition is ordered accordingly. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

Dt: 14-09-2016
Prv

S. V. BHATT, J



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WRIT PETITION No.23980 of 2012

14-09-2016

Prv