

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42676 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“...to issue a Writ or Order or direction more particularly in the nature of Writ of Mandamus, declaring the action of the respondents No.3 & 4 in not conducting sub-division of land in Sy.Nos.482/3A, 483/A, 595/1A/1, 689/2B/1, 698/2A, 700/1D, 701/A, 702/A, 703/2B, 709/1, 710/A, 711/1A, 711/2A, 714/3, 715/A, 716, 717/1, 720/2A, 720/2C/1, 722/1, 724/1A, 727/3, 728/2A, 732/2B, 733/A, 736/A situated at Melumoy Revenue Village, Chittoor District and land in Sy.Nos.107/1, 107/6, 111/2, 123/2, 125/1, 128/5, 132, 133, 68, 325/8 situated at Kallupalle Revenue Village, Gangavaram Mandal, Chittoor District, marking the boundaries by considering applications as well as the challans dated 06.06.2015, 15.07.2016 and 19.07.2016 as illegal, null and void and for a consequential order directing the respondents No.3 & 4 to forthwith conduct the sub-division of land in Sy.Nos.482/3A, 483/A, 595/1A/1, 689/2B/1, 698/2A, 700/1D, 701/A, 702/A, 703/2B, 709/1, 710/A, 711/1A, 711/2A, 714/3, 715/A, 716, 717/1, 720/2A, 720/2C/1, 722/1, 724/1A, 727/3, 728/2A, 732/2B, 733/A, 736/A situated at Melumoy Revenue Village, Chittoor District and land in Sy.Nos.107/1, 107/6, 111/2, 123/2, 125/1, 128/5, 132, 133, 68, 325/8 situated at

Kallupalle Revenue Village, Gangavaram Mandal, Chittoor District marking the boundaries by considering applications as well as the challans dated 06.06.2015, 15.07.2016 and 19.07.2016.”

3. The averments in the affidavit filed in support of the writ petition would submit that the petitioner claim to be the actual owner and possessor of the land mentioned above. Originally, the land belongs to his grandfather by name Thimma Reddy, who inherited the property from his ancestors. Thereafter, the father of the petitioner by name Venkatram Reddy inherited the said property under a registered partition deed dated 09.12.1957 among four joint family members. After demise of his father, the petitioner came into possession of the subject land and since then, he has been in continuous possession and enjoyment of the same. It is his case that he was also issued title deed and pattadar pass book and his name was also entered in 1-B register. It is stated that though the survey was conducted by the Village Revenue Officer (VRO) on 08.10.1967, in the presence of all the co-sharers and demarcated the schedule land, no sub-division of the properties have taken place pursuant to the partition or subsequent to the survey conducted by the revenue authorities in the year 1967. As such, the petitioner made applications on 15.07.2016 and 19.07.2016 to the 3rd and 4th respondents enclosing a copy of the challan for each survey number for determining the boundaries of each sub-division as per the enjoyment of the respective sharers by taking the pattadar pass book and title deed into consideration. Inaction on the part of the

respondents in taking action on the representations made by the petitioner lead to filing of this writ petition.

4. Learned counsel for the petitioner mainly submits that the issue involved in this writ petition is with regard to conducting survey for demarcating the lands is squarely covered by a judgment of this court in W.P.No.6690 of 2016.

5. Learned Government Pleader for Revenue did not dispute the same, however, stated that the said judgment covers only survey of the land, but not sub-division of the properties.

6. At this stage, learned counsel for the petitioner restricts his prayer seeking a direction to cause survey of subject land and not the sub-divided properties.

7. Having regard to the submissions made and in view of the judgment dated 03.03.2016 in W.P.No.6690 of 2016 passed by this Court, the Writ Petition is allowed and the 2nd respondent is directed to cause a survey (not sub-divided) for demarcating the lands of the petitioner as mentioned above by considering the representations dated 15.07.2016 and 19.07.2016 submitted by him after collecting necessary charges therefor, if no endorsements are made by the 4th respondent previously, within a period of eight (08) weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner and other affected parties, if any, and communicate his decision thereon to the petitioner.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:08.12.2016
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