

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35371 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. Since this Court is not going into the merits of the case, issuing notice to respondent No.7 may not be necessary.

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

“to issue a Writ, order or direction, one more particularly in the nature of Writ of Mandamus declaring the action of respondents in purporting to conduct survey in respect of the petitioners' property in Sy.No.281/1, 281/5 and 281/6 to an extent of Ac.10.00 Gts situated in Gummodur(RV), Mahaboobabad (RM), Mahaboobabad District (erstwhile Warangal District) without issuing notice to the petitioners and without following the procedure contemplated by the Survey and Boundaries Act, 1924 and thereby changing the boundaries of the petitioners' land and thereby issuing proceedings No.K3/307/1998 & K9/307/1998 as illegal, arbitrary, unconstitutional and in breach of principles of natural justice and set aside the same as illegal, null and void.”

4. The material on record would show that the father of the petitioners and the 7th respondent late Pammi Krishna Murthy was in possession of land in Sy.Nos.281/1, 281/5 and 281/6 to an extent of

Ac.10.00 Gts., from the year, 1960. The father of the petitioners, who was a freedom fighter made an application to the 1st respondent for allotment of the subject land in his favour. After considering the request of the petitioners' father and his longstanding possession over the subject land, the 5th respondent instructed the 6th respondent and Mandal Inspector to conduct survey of the subject land. Accordingly, 6th respondent and the Mandal Inspector conducted survey and prepared sub-division record and location map. Later, the same was submitted to the 5th respondent, who placed all relevant records before the Assignment Committee. The Assignment Committee approved the subject land in favour of the petitioners' father. Thereafter, on 19.11.1997 the land was allotted and possession was delivered in favour of the father of the petitioners. The assignment made in favour of the father of the petitioners was challenged by one Sri R.Chandrasekhar by filing a revision before the 1st respondent, which as disposed of cancelling the patta in favour of the petitioners' father. Aggrieved by the same, the father of the petitioners approached this Court by filing W.P.No.22321 of 2000. Pending the above writ petition, the father of the petitioners and the 7th respondent died. As such, the petitioners, their brother Srinivas Chary and the 7th respondent were brought on record as the legal heirs of late Pammi Krishna Murthy. On 13.09.2008 this Court quashed G.O.Ms.No.470 (Revenue Assignment-II) Department, dated 15.07.2000, thereby cancelling the patta granted in favour of the petitioners' father. It is said that

the petitioners approached respondent No.5 for mutation of the subject land in their favour as per the Will Deed dated 10.12.1999. The 5th respondent after following the due process of law, mutated the subject land in favour of the petitioners. In the year 2016 the 7th respondent raised a claim stating that he is the owner and possessor of the land to an extent of Ac.4.13 Gts., in Sy.No.281/4 under a Lavani Patta and started to interfere with the petitioners' land. Immediately, the petitioners made an application to the 6th respondent. On the other hand, the 7th respondent also made an application for demarcation of the land. Upon which, a survey was conducted in respect of the land in Sy.No.281/4 to an extent of Ac.4.13 Gts., and supplementary sethwar allotting new sub-division survey number i.e., Sy.No.281/58 was issued in favour of the 7th respondent, without verifying the sub-division records, location map of the subject land of the petitioners made in the year, 1997 and without issuing notice to the petitioners. Aggrieved by the same, the petitioners made an application with respondents 3 to 5 raising objection with regard to survey, but till date no orders are said to have been passed on the said application.

5. Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the 3rd respondent, who is the Assistant Director of Survey and Land Records, Mahaboobabad District, to pass

appropriate orders on the representation dated 02.05.2016 made by the petitioners questioning the survey of the land in Sy.No.281.

6. Learned Government Pleader for Revenue submits that if the said representation made by the petitioners is still pending and if the authorities are competent to do so, the same shall be considered in accordance with law.

7. Recording the submission made by the learned Government Pleader for Revenue, the Writ Petition is disposed of directing the 3rd respondent to consider the representation dated 02.05.2016 made by the petitioners questioning the survey in respect of the land in Sy.No.281/1 and issuance of Supplementary Sethwar in respect of the land in Sy.No.281/1/58 in favour of the 7th respondent, and pass appropriate orders, if he is authorised to do so, in accordance with law, after hearing the petitioners and the 7th respondent herein, as early as possible preferably within a period of six (06) weeks from the date of receipt of a copy of this Order.

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:20.10.2016
INL