

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.2539 OF 2016

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

The petitioners claim to be the owners and possessors of 2500 sq. yards of land in Survey No.115 of Kukatpally Village, Balanagar Mandal, Ranga Reddy District, and to protect their possession, they have filed O.S.No.1276 of 2014 against the

5th respondent before the Additional District Judge, Ranga Reddy District and the same is stated to be pending. The petitioners claim that the 5th respondent filed written statement in the said suit claiming ownership over Plot Nos.37 to 42 in Survey No.116 of Kukatpally Village. Therefore, the petitioners sought appointment of advocate commissioner to localise the suit schedule property with the assistance of Assistant Director of Survey and Land Records. While the said survey was already notified and was scheduled to be conducted on 13.01.2016, after notice to all the adjacent owners/land owners, the survey is stated to have been postponed and re-scheduled to a future date. While the said issue is pending, the petitioners are stated to have come to know about

a survey conducted by the Mandal Surveyor, Balanagar Mandal, Ranga Reddy District, the 4th respondent, based on which the Tahsildar, Balanagar Mandal, Ranga Reddy District, the

3rd respondent, is stated to have given the impugned proceedings in June, 2016 - Ex.P1, certifying that Plot Nos.37 to 42 are in Survey No.116 of Kukatpally. The petitioners question the said proceedings *inter alia* on the ground that the survey by the

4th respondent is in the teeth of comprehensive survey proposed to be conducted as per the directions of civil Court as mentioned above and is likely to prejudice their case. The petitioners also state that they have no notice of the alleged survey conducted by the 4th respondent.

Keeping in view, however, that the claim of the petitioners is with regard to Survey No.115, I do not see any reason to entertain the Writ Petition as the impugned proceedings relate to Survey No.116 and that too based on a report of the 4th respondent. Moreover, the civil Court has already directed a survey based on which the Assistant Director of Survey and Land Records already informed the date of proposed survey which is likely to be held in near future and the same is with regard to the suit land in Survey No.115. Hence, even if there is any report of the 4th and 3rd respondents regarding Survey No.116, I am unable to understand as to how the petitioners are the affected parties. Hence, I do not see any reason to entertain the Writ Petition.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

29.01.2016

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