

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.11054 of 2011

ORDER:

The petitioner claims that his father purchased the land to an extent of Ac.50-00 cents situated at Nawabpet Village, Shivampet Mandal, Medak District under Sada Sale Deed, dated 17.07.1965. The Final Patta Certificate was also claimed to have been issued by the Assistant Collector on 15.03.1978, directing father of the petitioner to pay land revenue and accordingly, the said amount was paid. The name of petitioner's father was mutated in the revenue records as pattadar in respect of the said land in the year 1990. Thereafter, pattadar pass book and title deed were also issued under the provisions of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. Thus, the land has been in exclusive possession and enjoyment of the petitioner.

2. While so, when one Manne Kistaiah and three others tried to interfere with possession of the said land, the petitioner, his mother and brothers filed a suit in O.S.No.21 of 2006 on the file of Principal District Judge, Medak, and the same was decreed on 07.08.2006. Again when they tried to interfere with the possession, the petitioner filed I.A.No.2903 of 2006 seeking police protection and on such petition, the Sub-Inspector of Police, Shivampet, addressed a letter on 09.12.2006 to the 4th respondent, requesting to demarcate the land to enable them to provide police protection as per Judgment and decree, dated 07.08.2006. The 4th respondent directed the 2nd respondent to conduct survey and fix the boundaries vide letter, dated 12.12.2006. The petitioner

submitted an application to the 1st respondent to conduct survey of the land and fix the boundaries. The 1st respondent directed the 4th respondent to conduct survey and submit a report on his representation and accordingly the 4th respondent submitted a report on 04.06.2008 stating that the old survey numbers have been changed to new survey numbers and the old numbers were included in the patta issued in favour of the petitioner's father and new Survey No.216 was recorded as Government land. Thereafter, on the request of 4th respondent, two surveyors, after issuing notices to the petitioner as well as to his neighbours, conducted naval survey, but did not fix any boundaries. The petitioner submitted another application on 15.11.2010 to the 1st respondent requesting to re-survey the land and fix the boundaries. The 2nd respondent issued an endorsement on 11.03.2011 stating that Survey Nos.23 and 24 were already re-surveyed and new survey numbers were given and it is not possible to demarcate the land under old survey numbers. Challenging the said endorsement, the present writ petition is filed.

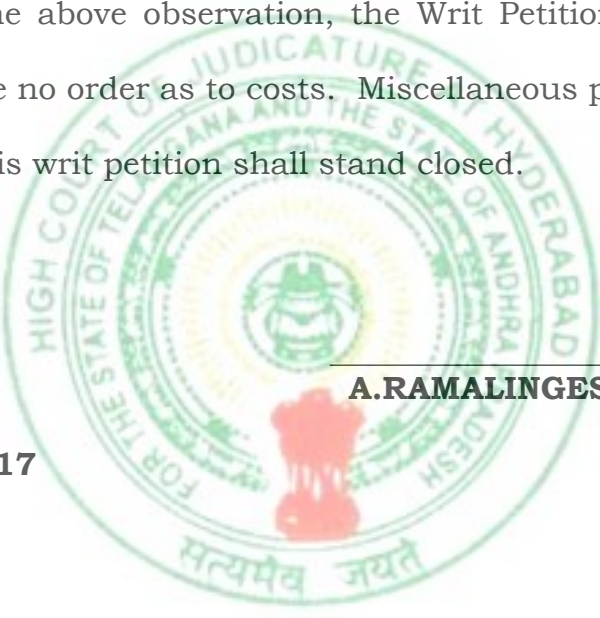
3. The 2nd respondent filed counter-affidavit stating that Nawabpet Village was an ex-jagir village in erstwhile Taluq Narsapur, Atraj balda (Rural) District, situated in Shivampet Mandal of Medak District. It was an un-surveyed village. Initially, surveyed in the year 1356 Fasli and Survey and Settlements were announced on 05.06.1956. The same was also done under the provisions of A.P. (Telangana Area) Land Revenue Act 1317 Fasli, but not implemented in the Revenue Records, but only in the year 2003 it was implemented. It was observed from the Wasoolbaqi sent to the Tahsildar, Shivampet Mandal, for its implementation

in December, 2002, the old Survey Nos.23 and 24 admeasuring Ac.31.00 cents and Acs.58.20 cents were shown as 'Pan Maqtha' Khatha (Account) No.2 of Mohammed Begum & Sardar Begum and no new numbers were assigned and in the remarks column, it was noted that 'Part of Survey No.216 PP'. Since there was no survey prior to survey done in 1356 Fasli, there was no village map for the old survey number maintained till implementation of Survey and Settlement in the year 2003. Though the petitioner filed an application for demarcation of lands bearing Survey Nos.23 and 24/new Survey Nos.216/2, 2-3, 2-4, since the old survey records are not in force, the demarcation could not be done and the same was informed by an endorsement, dated 11.03.2011. In such circumstances, the proper course of action is to file a petition under Section 87 of the Hyderabad Land Revenue Act 1317 Fasli for correction of errors, if any, in recording the name of pattadar etc., and in the absence of the same, no action can be taken by the 2nd respondent.

4. Thus, it is clear that there was no survey in Nawabpet Village, but it was surveyed for the first time in the year 1356 Fasli and Survey and Settlements were announced on 05.06.1956. The Survey and Settlement Records were implemented in Revenue Records in the year 2003 only. The land of the petitioner appears to have been situated in old Survey Nos.23 and 24 and new Survey No.216 is recorded as Ac.164.34 guntas in Sethwar. It is now admitted in the counter affidavit that the land in Survey Nos.23 and 24, which were Maqtha lands were clubbed in Government Poramboke land.

5. In view of the above position only the endorsement was given to the petitioner. Now, it is rightly pointed out in the counter-affidavit that the only course left open to the petitioner is to take proceedings under Section 87 of the Hyderabad Land Revenue Act 1317 Fasli and unless proper changes are made in the Revenue Records indicating the land possessed by the petitioner, respondents 2 and 4 cannot take action. Accordingly, liberty is given to the petitioner to take steps in accordance with law, but no relief can be granted in the present Writ Petition.

6. With the above observation, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



A.RAMALINGESWARA RAO, J

JUNE 12, 2017
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Date: 12.06.2017

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