

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.22245 of 2017

ORDER:

Heard learned counsel for the petitioner and also learned Government Pleader for Forests representing the respondents and perused the prayer in the writ petition with the supporting affidavit and also the order covered by the earlier writ petition of the petitioner in W.P.No.11352/2016 dated 07.04.2016 and the village map showing demarcation between the forest land in S.No.93 and private land in S.No.141 (village map) of Gurramguda Village and also perused the written instructions received by the learned Government Pleader with print of the so called google map in relation to the village.

The prayer in the writ petition reads as follows:

“To issue a writ, order or a direction, more particularly one in the nature of writ of mandamus declaring the action of the 4th respondent in erecting a compound wall over the cart track located on the eastern side of the petitioner's property situated in Survey Nos.141/1 and 141/2 of Gurramguda Village, Hamlet of Nadargul Village, Saroornagar Mandal, Ranga Reddy District, as illegal, arbitrary, unjust and consequently direct the 4th respondent to refrain from making constructions on the cart track referred to above and pass such other order or orders.”

It is the submission from the supporting affidavit that, despite the earlier writ petition order, more particularly, in the presence of the respondent Nos.1, 2 & 4 of the writ petition herein to the 3rd respondent-Assistant Director of Survey and Land Records, Ranga Reddy District, to conduct survey to demarcate the land between Survey Nos.93 & 141; without such survey and

without demarcation of land, the respondents are constructing compound wall obliterating the existing physical features of the cart track existing in use by the petitioner.

It is the submission of the learned Government Pleader that order in the earlier writ petition no way interdicts the construction for what was observed of compound wall construction shall go on, from the pillars already laid in between the wall constructed and nothing more improvement done by the respondents and the prayer in the writ petition otherwise is misconceived rather than to work out further action to be taken if at all for survey and demarcation pursuant to the earlier writ petition order.

Having regard to the above and in the result, the Writ Petition is disposed of directing the 3rd respondent-Assistant Director of Survey and Land Records, Ranga Reddy District, to demarcate by conducting a detailed survey the boundary between S.Nos.93 & 141 of Gurramguda Village and also if at all there is any cart track demarked or indicated either in village plan or staunch plan; within two (02) months from the date of receipt of a copy this order, after notice to the petitioner and the respondents and give one copy of the report with plan to the petitioner vis-à-vis the District Forest Officer. Needless to observe, the earlier order of the writ petition is very clear of the construction of compound wall is at risk and subject to demarcation that holds good and thereby no further order is required in this regard of construction taking place.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 10.07.2017
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