

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.5764 of 2017

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue, appearing for respondent Nos.1 to 4 and Sri V.Ramachander Rao, learned counsel for 5th respondent.

2. Petitioner had applied for survey by an application made on 28-01-2017 to 3rd respondent. Petitioner's grievance is that the said request of the petitioner is not being complied with by 3rd respondent even though she has paid the charges for it.

3. Learned counsel for 5th respondent states that the said survey is being started on the basis of amended gift deed executed in favour of the father of the petitioner though earlier there was civil litigation between the petitioner and 5th respondent which ended in favour of 5th respondent and that the survey therefore cannot be permitted.

4. Admittedly the survey to be done under the provisions of A.P. Survey and Boundaries Act, 1923 does not determine the title nor possession of any party. It will also not in any way annul the decree obtained by the Civil Court by 5th respondent against the petitioner. It is for the 5th respondent to decide whether she wishes to participate in the survey or not, if it is to be conducted by 3rd respondent.

5. Since the issue of title to the property or possession to the property cannot be decided by 3rd respondent, the 3rd respondent is directed to conduct survey as per the application dt.28-01-2017 filed by the petitioner after giving notice to petitioner as well as 5th respondent. This exercise shall be completed within six weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 14-11-2017
kvr

JUSTICE M.S.RAMACHANDRA RAO

