

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45322 of 2016

ORDER:

The case of the petitioners is that the petitioners are owners and possessors of land to an extent of Ac.1-80 cents out of Ac.3-70 cents in Sy.No.731/1, 731/2-A, 731/2B1, 731/3 and 731/7 of Majjigavandla Palli, H/o.Chitluru Village, Ramapuram Mandal, Y.S.R.District, having inherited the same from their ancestors. The grandfather of the petitioners namely Majjiga Veeranagaiah @ Veera Nagi Reddy had purchased the subject land in an extent of Ac.1-80 cents out of Ac.3-70 cents in Sy.No.731 under registered sale deed dated 12-08-1897 from one Majjiga Nagaiah. The petitioners also filed suit for declaration of title and consequential relief of permanent injunction in O.S.No.61 of 2014 on the file of Junior Civil Judge, Lakkireddipalli and the same was decreed on 15-04-2015 against respondents 5 to 8. The petitioners made application for conducting of survey of subject land. In pursuance to the same, notices were issued. As no action has been taken, the present writ petition is filed.

Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue submits that already notices were issued on 26-11-2016 and date for conducting survey was fixed on 01-12-2016. But respondents have refused to receive the notice and their Advocate submitted representation stating that some civil

litigation is pending between the petitioner and unofficial respondents.

Learned counsel appearing for the unofficial respondents submits that already the unofficial respondents have filed petition for setting aside the exparte decree obtained by the petitioners and the same is pending. In view of the same, survey cannot be conducted.

Now it is to be seen that the petitioners are claiming subject land and they have also obtained decree. As on today the decree is not set aside. It is also stated by Assistant Government Pleader for Revenue that notices have been issued for conducting survey.

In view of the same, this writ petition is disposed of directing the 4th respondent to conduct survey after issuing notice to the petitioners and unofficial respondents within a period of three months from the date of receipt of a copy of this order and it is open for the unofficial respondents to raise all the objections and if they have any grievance against final outcome of the survey, it is open for them to challenge the survey. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stands closed.

A.RAJASHEKER REDDY,J

08-02-2017

Nvl



