

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.558 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 3 and 4 in not allotting the Surveyor to conduct the survey of land an extent of Ac.31-00 Guntas in Sy.Nos.167/7, 167/11, 178, 177, 184 and 259 situated at Gandicheruvu Village, Koheda, Hayathnagar Mandal, R.R. District even after receipt of the necessary charges from the petitioner Association is illegal, arbitrary, contrary to the provisions of A.P. Survey and Boundaries Act, 1923 and rules made there under and violation of Fundamental Rights guaranteed under the Constitution of India, and consequently, direct the respondents to conduct the survey in land an extent of Ac.31-00 Guntas in Sy.Nos.167/7, 167/11, 178, 177, 184 and 259 situated at Gandicheruvu village, Koheda, Hayathnagar Mandal, R.R. District of the petitioner Association.”

3. Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer to the relief referred to above, submitting that though the petitioner has made

an application and paid requisite fee, the respondent authorities have not appointed any surveyor to conduct survey.

4. Learned Government Pleader for Revenue opposes the same stating that since the Grampanchayat has already given permission and the land has been divided into plots, conducting of survey may not arise. However, he submits that the authorities may be directed to consider the application, in accordance with law.

5. Having regard to the above, the Writ Petition is disposed of directing the respondent authorities to consider the application made by the petitioner seeking survey of the land by appointing surveyor in respect of the land to an extent of Ac.31-00 Guntas in Sy.Nos.167/7, 167/11, 178, 177, 184 and 259 situated at Gandicheruvu Village, Koheda, Hayathnagar Mandal, R.R. District, in accordance with law, subject to petitioner fulfilling all the requirements, as early as possible. In case the authorities are not inclined to conduct survey or appoint a surveyor, they shall pass an order giving reasons and communicate the same to the petitioner.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:05.01.2017
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