

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.674 of 2017

Date: 21.11.2017

Between :

M/s. Pride India Avenues Private Limited

... Appellant

And

C. Jangaiah and others.

... Respondents

COUNSEL FOR APPELLANT : Sri Vedula Venkata Ramana
Senior Counsel, representing
M/s. Bharadwaj Associates

COUNSEL FOR THE RESPONDENTS :
Sri K.V. Satyanarayana
Counsel for R1 to R7
G.P. for Revenue(T)

THE COURT MADE THE FOLLOWING:

JUDGMENT: (per Hon'ble the Acting Chief Justice)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order dated 18.01.2017 passed by the learned single Judge in W.P.No.43914 of 2016.

Respondent Nos.1 to 7 herein invoked the jurisdiction of this Court under Article 226 of the Constitution of India to declare the action of the Deputy Director, Survey and Land Records, Hyderabad, in not conducting survey and demarcation of the land in Sy.No.175 of Shaikpet Village, Shaikpet Mandal, Hyderabad District, on the petitioners' application dated 08.03.2016, as arbitrary and illegal. A consequential direction was sought to the 2nd respondent – Deputy Director to conduct a survey, demarcate and fix the boundary stones surrounding the land of the petitioners admeasuring Ac.0.23 guntas in Sy.No.175 of Shaikpet Village.

By the order under appeal, the learned Single Judge disposed of the writ petition directing the 9th respondent herein to consider the application dated 08.03.2016, of respondent Nos.1 to 7 herein after receiving charges, keeping in view certain Circulars, the judgment of this Court in W.A.No.618 of 2013 and the provisions of Sections 89, 89-A and 92 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli.

Sri Vedula Venkata Ramana, learned Senior Counsel, appearing on behalf of the appellant, would submit that, while seeking survey of the land in Sy.No.175, respondent Nos.1 to 7 herein ought to have produced some evidence as proof of their title over Ac.0.23 guntas, which they claim to own in Sy.No.175; the appellants have lands in Sy.Nos.174 and 177; and under the guise of a survey, respondent Nos.1 to 7 are seeking to have the lands, in Sy.Nos.174 and 177, also to be surveyed.

Sri K.V. Satyanarayana, learned counsel appearing on behalf of respondent Nos.1 to 7, would submit that the apprehension of the appellants is wholly unfounded; once they admit that they do not have any land in Sy.No.175, they cannot claim to be aggrieved by the survey being caused in Sy.No.175; and the order of the learned single Judge does not, therefore, necessitate interference.

As it is admitted that the appellants do not have any land in Sy.No.175 and, as the order of the learned Single Judge directing that a survey be caused is only in respect of the land in Sy.No.175, the apprehension expressed, on behalf of the appellants, is wholly unjustified. Suffice it to direct that the order of the learned Single Judge, directing the Deputy Director to cause a survey, shall be confined only to the lands in Sy.No.175 and not beyond.

The Writ Appeal stands disposed of accordingly. No order as to costs.

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

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

21.11.2017.
Msr



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