

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29245 OF 2017

Dated:31.08.2017

Between:

Doniparthi Radhamma, W/o. Chenchu Ratnaiah,
Aged about 45 years, Occ: Agriculture,
R/o.Door No.1-12, Ramalayam Veedhi,
Mettu Village, Chittamuru Mandal,
SPSR Nellore District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Amaravati, and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.29245 OF 2017****ORDER:**

Petitioner claims to be the owner of agricultural land to an extent of Ac.0.91 cents in Survey No.15-AP, Ac.0.09 cents in Survey No.15-B and Acs.2.00 in Survey No.15-A2 of Rudravarm Village, Kota Mandal, SPSR Nellore District, which she claimed to have purchased through registered sale deeds in the year 2000. She submitted application dated 25.02.2017 to the 3rd respondent seeking to conduct survey of the agricultural land to an extent of Acs.4.35½ cents. Alleging inaction on the said representation, this Writ Petition is filed.

2. The affidavit filed in support of the Writ Petition does not disclose the reason for seeking survey, except referring to the circular dated 18.05.2010 issued by the Government and the judgment of the Division Bench of this Court in W.A.No.110 of 2013, dated 14.06.2013. The affidavit discloses that petitioner instituted O.S.No.78 of 2013 on the file of Junior Civil Judge, Kota, seeking decree of permanent injunction against Shaik Khadar Basha and three others and the said suit was decreed on 12.09.2013 and the same has attained finality. If that is so, there is no dispute at all with regard to the possession and enjoyment of the property, nor the boundaries of the petitioner. It is not stated as to why the petitioner sought for conducting of survey and when the Court specifically asked learned counsel for the petitioner, he also submits that there is no dispute on the issue, but the petitioner wanted the survey to be conducted.

3. The enactment of the Survey and Boundaries Act, 1923 and issuance of the Government Orders from time to time, does not mean that any person can make a simple request for survey without assigning due reasons. In view of the same, this Court is not inclined to grant the relief as sought for by the petitioner.

4. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out the remedies as available in law, as and when a dispute is raised against the extent of land owned by the petitioner. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date:31.08.2017

KH

P. NAVEEN RAO, J

