

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27525 OF 2017

DATED : 18.08.2017

Between :

Parnandi Srinivas S/o.Komuraiah,
Aged 28 yrs, Occu : Agriculturist,
R/o.Mutharam (M), village and Mandal
Peddapalli District,
(Previously Karimnagar District) & another.

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Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others

...

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners claim to be the owners and in possession of land to an extent of Ac.7.04 guntas in Sy.No.109 of Shatrajpalle Village, Mutharam Mandal, Peddapalli District. Petitioners claim that they purchased the said land in the year 2009 and in possession and enjoyment. It appears petitioners and the unofficial respondents have boundary dispute and alleging that the unofficial respondents were trying to interfere and altering the boundaries, petitioners instituted O.S.No.152 of 2015 on the file of Junior Civil Judge, Manthani, against respondent 5 to 8 herein, praying to grant perpetual injunction. In I.A.No.444 of 2015, by order dated 04.12.2015, the trial Court granted *ex parte* injunction against respondents 5 to 8 from interference and according to learned counsel for the petitioners, the said injunction order is subsisting. While so, and alleging that at the instance of unofficial respondents, respondent No.4-Tahsildar, Mutharam Mandal, Peddapalli District, is conducting survey without prior notice, by making vague averments and alleging that a representation is made against conducting of survey, this writ petition is filed.

3. The facts on record and the representation made by the petitioners, would disclose that what is contended by the petitioners is premature. Petitioners will have valid grievance only if a survey is conducted behind their back and without prior notice or opportunity. Petitioners cannot pre-empt somebody's

entitlement to seek conducting of survey, even before steps are actually taken.

4. Thus, the cause in the writ petition is premature in as much as no proceedings are filed to show that a survey was already ordered and being conducted. The Court is not inclined to entertain the writ petition at this stage.

5. Leaving it open to the petitioners to work out their remedies as available in law, as and when the cause of action arises, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

18th August, 2017
Rds

P.NAVEEN RAO,J

