

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.8621 OF 2017

ORDER:

Heard Mr.K.Lakshmaiah for petitioner and the Assistant Government Pleader for Revenue

The petitioner claims an extent of 150 sq.yards in Sy.No.1/1/A of Keshampet Village & Mandal , Ranga Reddy District.

The petitioner prays for Mandamus declaring the action of respondents in interfering with the subject matter of the writ petition, without recourse to law, as illegal and unconstitutional.

On 21.03.2017, this Court directed parties to maintain *status quo*. Respondents 1 to 3 filed counter affidavit and contend that the plot claimed by the petitioner does not fall in Sy.No.1/1/A but is covered by Sy.No.1/2. Therefore, on account of misapprehension, the writ petition is filed. The petitioner relies upon communication No.B/1312/2014 dated 12.11.2014 addressed by Tahsildar to the District Collector, Ranga Reddy District. The operative portion of the communication reads thus:

“Further verified the records viz. Chesalla, 1959-60 pahani & permanent register as per permanent register Sy.No.1/1 is having total extent of Ac.07.23 Gts. and Sy.No.1/2 is having Ac.01.05 Gts shown as khariz khata and in pahani 1959-60 the Sy.No.1/2 extent of Ac.01.05 Gts shown as Sarkari and found that the land Sy.No.1 total extent Ac.08.28 Gts out of which Ac.01.05 Gts shown as Khariz Khata surrendered by one Papireddy of Keshampet Village. As reported by the Revenue Inspector the Government building MPDO, Tahasil Office, Police Station are existing in the said Khariz Khata including road and remaining is patta land.

He is also reported that Primary Health Centre is existing in the same survey number to an extent Ac.03-32 Gts.

In this regard it is to submit that there is discrepancy about the Govt.land as the surveyor is reporting different reports that one time at Govt.land and another time as patta land.

Therefore I request you sir, kindly instruct A.D, Survey & Land Records to depute the senior Inspector for conducting survey and to finalize the dispute between Govt.land & Private land”.

In the light of the above communication, the grievance of petitioner is that survey as requested to be carried out by A.D, Survey & Land Records is not completed and consequently the identity now asserted by respondents cannot be accepted as true and correct. On the other hand, the Assistant Government Pleader (Revenue) vehemently contends that the survey or identification of respective properties was completed and the construction activity now complained in the writ petition is covered by Sy.No.1/2 and prays for dismissing the writ petition.

The controversy in this writ petition lies in a very narrow compass viz., the identity of properties claimed by petitioner and the respondents. Along with the counter affidavit, the report of surveyor particularly of A.D, Survey & Land Records is not filed. Therefore, to meet the ends of justice and to avoid further litigation in this behalf, I am satisfied the writ petition can be disposed of by this order.

Respondents 2 and 3 are directed to survey the land claimed by petitioner and Sy.No.1/2 with reference to village records within

four weeks from the date of receipt of a copy of this order and if the survey discloses that the extension of police station is covered by Sy.No.1/1/A, the construction can be undertaken only in accordance with law. On the other hand, if the plot is covered by Sy.No.1/2, it is open to the authorities to proceed for constructing the building without bothering petitioner, as the identity of respective properties is established.

Status quo is directed to be maintained for a period of two months from today.

The writ petition is, accordingly, dismissed as not pressed as indicated above. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

02nd June, 2017

Lrkm



S.V.BHATT,J