

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.28293 OF 2016

ORDER:

Heard Mr.C.Raghu for petitioner, the Assistant Government Pleader for respondents 1 to 3 and Mr.Ch.Sddartha Sarma for respondents 4 and 5.

The petitioner challenges notice No.D/2826/2016 dated 10.08.2016 by contending that through the notice impugned in the writ petition, respondent No.3 proposes to demarcate an extent of Ac.0-07 Gts in Sy.No.295 of Moosapet Village and demarcation arises after survey and identification of property claimed by applicant and the property claimed by the neighbours in the same locality. In other words, demarcation is not the first step under the Survey and Boundaries Act. The other ground of challenge is that the respondents in the event of survey are under obligation to follow the instructions or guidelines issued by the Government through Circulars dated 13.07.2007, 25.07.2001 and 18.05.2010 and in the case on hand, the notice impugned in the writ petition does not show that the instructions issued by the Government are followed.

On 26.08.2016, this Court granted interim stay as prayed for. The 4th and 5th respondents filed petition to vacate the interim order and in the counter affidavit filed, the circumstances under which survey is requested and also the reminder letters read with the application filed for survey are adverted to. The challenge to notice issued by 3rd respondent, in the considered view of this Court,

is premature and the petitioner since is served a notice is entitled to take all objections against the mode and manner of survey and demarcation either before the survey or even after the survey and while availing legal remedies in this behalf.

Mr. Raghu requests two weeks time from the date of receipt of copy of this order to raise objections/file reply to the notice impugned in the writ petition. Time as prayed for is granted.

Hence, the petitioner is given liberty to file objections/reply by enclosing a copy of this order within two weeks from the date of receipt of the same. The 3rd respondent conforms to the requirements of law and also circulars issued from time to time and undertakes survey and demarcation.

The writ petition is, accordingly, disposed of. The parties, if are aggrieved by the survey or demarcation, it is needless to observe that they can pursue remedies either before the department or before the Civil Court. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, stand closed.

06th September, 2017

Lrkm

S.V. BHATT, J