

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18757 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is preferred by the petitioner seeking to declare the action of the respondents in not considering the representation of the petitioner dated 18.11.2016 to conduct survey of the property of the petitioner of an extent of 604 square yards in Sy.No.123 in patta No.215, Nathayyapalem Village, H/o.Thumglam, Gajuwaka Mandal, Visakhapatnam, as illegal and arbitrary, and consequently, direct the respondents not to allow any construction in the said site till the survey is conducted.

Heard and perused the material available on record.

The case of the petitioner is that he has been in continuous peaceful possession and enjoyment of the above said property having obtained the same under registered gift deed executed in his favour by his father vide document, dated 27.03.2014. Since some third parties are trying to encroach his property, the petitioner submitted an application to the respondents to conduct survey of the said land. But, the respondents have not considered the same so far.

After arguing for sometime, learned counsel for the petitioner confined his arguments and requested that a direction may be given to the respondents to consider the representation of the petitioner, in order to avoid any further litigation with regard to the boundaries of the petitioner as well as the third parties.

Considering the submission of the learned counsel for the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

The Writ Petition is disposed of directing the respondents to consider the representation submitted by the petitioner on 18.11.2016, and take necessary action in accordance with law, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

June 12, 2017

KTL

RAJA ELANGO, J

