

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.30081 OF 2010

ORDER:

Heard Mr.V.R.Reddy Kovvuri for petitioners, the learned Assistant Government Pleader for respondents 1 to 5 and Mr.Vijay Kumar for respondents 6 to 12.

The petitioners pray for the following relief:

“...Writ or order especially one in the nature of Mandamus directing the respondents to act in pursuance to the notice MFL No. /09 dated 20.07.2009 issued by the 5th respondent by implementing the proceedings R.C. No./A5/2003 dated: 9.8.2003 and letter ref. No. A/288/2007 dated: 17-8-2007 of the third respondent and consequently form sub-divisions on our lands in Sy.no. 150 and 153B Dugganapalli Village in Chennur Mandal and demarcate them on the basis of our title deeds pattadar pass books and other Revenue records within a specified time limit..”

The translated copy of notice reads as follows:

“S.F.No. /09, Dt: 20-07-2009, O/o, The Revenue Divisional Officer, Kadapa

NOTICE

Sri/Smt. G.Nagi Reddy S/o. G.Pedda Narasimha Reddy and Chandrasekhar S/o.Chenchayya r/o. Chennur (M), Upparapalli Village submitted their representation before the Revenue Divisional Office, Kadapa to conduct the Survey in the land Sy.No.153B, 150 for the land an extent of Ac.1.76, 5.38 and show the same its boundaries. As per that representation, the officials are going to visit your village on 25.07.2009 at..... hrs and conduct the survey and decide the boundaries. Hence the given below persons are directed/advised to attend on that stipulated date, time and place along with all the relevant document.

The Mandal Surveyor and concerned Village administrative officials, re-advised to attend along with the necessary survey materials and documents to conduct the survey at the above said place.

Sd/-
Deputy Inspector
Survey and Land Records,
Revenue Divisional Office,
Kadapa.”

From the above, the counsel appearing for the parties submit that the prayer is one of inaction and the respondents can be said to have discharged the onus on them. If, the respondents can place before the Court the survey record, if survey was in fact conducted, alternatively, the decision taken by Tahsildar in pursuance of notices referred to above can be communicated. The Assistant Government Pleader after perusing the record is unable to satisfy the Court that in fact, decision of 3rd respondent is communicated to parties including petitioners.

Mr.V.R.Reddy Kovvuri submits that, if the 3rd respondent communicates the decision on the request of petitioners and the petitioners, if are aggrieved by such decision, will work out the remedies in accordance with the Survey and Boundaries Act or before the civil Court.

The statements of both counsel placed on record and the writ petition is disposed of by this order:

The 3rd respondent is directed to examine the file in notice dated 20.07.2009 and communicate his decision within four weeks from the date of receipt of a copy of this order to petitioners. The petitioners, if are aggrieved by such communication can work out

their grievance in accordance with law. The petitioners are given liberty to submit representation to 4th respondent by enclosing a copy of this order within two weeks from the date of receipt of a copy of this order.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:16.10.2017

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