

The Hon'ble Sri Justice A.Rajasheker Reddy

Writ Petition No.5842 of 2017

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.2 in issuing Notice No.D/1689/16, dated 01-02-2017, for conducting survey in Sy.Nos.99 & 100 of Parvathapur Village, Kondurg Mandal, Mahabubnagar District, now in Ranga Reddy District (for short 'the subject property'), on an application made by respondent No.3 to respondent No.5, without assigning any reasons therefor to the petitioner, who is the registered owner, as illegal, arbitrary and contrary to the provisions of the A.P. Survey & Boundaries Act, 1923 (for short 'the Act').

It is the pleaded case of the petitioner that she is the absolute owner of the subject property and that the impugned notice was issued to her husband. It is her grievance that though there is no cart track passing through the subject property, the respondents, in the guise of Survey, are trying to establish a cart track in the subject property, thereby creating a right of pathway in favour of the third parties.

The learned Assistant Government Pleader for Revenue (TS) appearing for respondent Nos.1, 2 and 5 submitted that since a notice has already been issued, it is for the petitioner to file her objection.

As rightly submitted by the learned Assistant Government Pleader, it is for the petitioner to file her objection to the impugned notice and even after consideration of the same, if the survey is conducted and if the petitioner is aggrieved by such survey, she can file an appeal under Section 10 (2) of the Act.

Subject to the above observation, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.7129 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

(A.Rajasheker Reddy, J)

Dt: 20th February, 2017
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