

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35618 OF 2017

DATED : 27.10.2017

Between :

Shaik Mohd. Jani, S/o.late Shaik Mohd. Basha,
Aged about 54 yrs, H.No.18-13-9/P/116,
Patel Nagar, Bandlaguda, Hyderabad-500005

.. Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary (Revenue),
Secretariat Buildings, Amaravathi, A.P. & others.

... Respondents



This court made the following :

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ORDER :

Heard.

2. This writ petition is filed alleging inaction on the application filed by the petitioner to conduct survey of land in Sy.No.51/5, Anand Nagar, Rajamahendravaram Urban, East Godavari District.

3. A reading of Para Nos.3 and 4 of the affidavit filed in support of the writ petition would show that according to the petitioner the land in said Survey number was earlier exploited for extraction of granite stone. Huge pits were dug and later those pits were filled up. While saying so, it is also alleged that there are certain encroachments and the third parties are creating problems in enjoying the property.

4. When specifically asked to clarify, learned counsel for the petitioner stated that all along the family members of the petitioner were in possession and enjoyment of the property to the major extent and they were undertaking extraction of granite stone. Except for alleging some third party interference, no material is placed on record to show reasons for asking for conducting of survey more specifically when learned counsel for the petitioner says that there is no dispute regarding ownership claim of the petitioner and that the petitioner is enjoying the property by extracting granite stone. As no justification is shown for conducting of survey, the Court need not grant the relief as sought for, in exercise of equitable jurisdiction under Article 226 of the

Constitution of India merely because, a person can request for survey of land. The writ petition is liable to be dismissed in limini.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

27th October 2017
Rds

P.NAVEEN RAO,J

