

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.42948 of 2017

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Revenue, for respondents.

2. The petitioner herein owns an extent of Acs.0.8 guntas in Survey No.91/A of Somavaram Village, Wyrā Mandal, Khammam District which is his ancestral property.

3. The petitioner contends that out of above land, Acs.0.6 guntas was acquired by the Government for the purpose of providing house-sites to weaker sections' community.

4. The petitioner contends that he had applied to 3rd respondent to conduct survey and fix boundaries for the remaining extent of Ac.0.2 guntas to avoid future complications, that the 3rd respondent had issued a memo on 26.06.2008 to the Mandal Revenue Inspector, Wyrā Mandal to fix the boundaries of the remaining extent of Acs.0.2 gutnas which the petitioner retained, but till now no action was taken thereafter.

5. The petitioner further contends that he had again applied for sub-division on 06.09.2016, and when no action was taken, the petitioner filed WP.No.34517 of 2016; and this Court on 17.10.2016 directed the petitioner to approach the surveyor.

6. The petitioner contends that the 4th respondent, without conducting any survey, issued the impugned memo on 21.07.2017 stating that he cannot survey the land without sub-division.

7. The petitioner contends that having acquired Ac.0.6 guntas out of Ac.0.8 guntas owned by him, it was incumbent on the part of respondents to conduct sub-division and fix boundaries of the land acquired and record his name as the owner for the balance Ac.0.2 guntas, and the respondents have utterly failed in this.

8. The learned Government Pleader for Revenue, appearing for respondents, does not dispute that it is the duty of respondents to demarcate the land acquired from petitioner by the respondents, fix its boundaries and sub-divide the land.

9. Therefore, the impugned memo dt.21.07.2017 is declared as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India, and it is accordingly set aside; and a *mandamus* is issued to respondent nos.3 and 4 to cause a survey of the land by fixing the boundaries of the land retained by petitioner and effect sub-division of the same within a period of six (06) weeks from today.

10. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

11. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27.12.2017

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