

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.40639 of 2017

O R D E R:

Heard counsel for petitioner, Government Pleader for Revenue appearing for respondents 1 to 4, and Sri K.V.Satyanarayana, counsel for respondents 5 to 11.

2. In this Writ Petition, petitioner has questioned a notice dt.27.11.2017 issued by the 3rd respondent seeking to conduct demarcation and survey as per the orders of this Court dt.18.1.2017 in W.P.No.43914 of 2016 and order dt.21.11.2017 in W.A.No.674 of 2017 in respect of survey No.175 correlated to T.S.No.15/3, Block-M, Ward No.13 of Shaikpet Village and Mandal, Hyderabad District.

3. Petitioner contends that it owns property in neighbouring survey Nos.174, 177 and 178, that earlier respondent No.5 and others had sought demarcation of the said land, but it was rejected by the 3rd respondent and this fact was not brought to the notice of this Court when it disposed of W.A.No.674 of 2017 on 21.11.2017.

4. The said contention cannot be countenanced because the order dt.21.11.2017 in W.A.No.674 of 2017 which is binding on the petitioner's predecessor in title is binding on the petitioner as well, and the said order cannot be collaterally attacked by the petitioner on the above ground.

5. In the alternative, counsel for petitioner contends that the respondents 1 to 4, while conducting demarcation should also give notice to the petitioner of the same and the petitioner should be given permission to file its documents and participate in the survey to protect its interest.

6. Though Sri K.V.Satyananarayana, counsel for respondents 5 to 11 objected to this stand, since the petitioners are admittedly holding land in the neighbouring survey numbers, and as per the TSLR, petitioner's predecessor is found to be occupant, interests of justice would require that petitioner be also allowed to participate in the survey to protect its interest. In any event, the survey and demarcation by respondents 1 to 4 will determine neither title nor possession of any party, since the request of the respondents 5 to 11 is only to identify and demarcate the old survey No.175 of Shaikpet Village.

7. Therefore, the Writ Petition is disposed of directing the 3rd respondent to issue notice to petitioner before the survey and demarcation is done by him pursuant to the notice dt.27.11.2017 issued by him; petitioner is given liberty to produce its documents, which shall also be considered by 3rd respondent; and he shall conduct the survey and demarcate the land in old survey No.175 of Shaikpet village, strictly in accordance with the provisions of A.P. Survey and Boundaries

Act, 1923, without expressing any opinion on the title or possession of any party. No costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

08th December, 2017.
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