

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1120 OF 2018

ORDER:

It is the case of the first petitioner and the second petitioner, who is the wife of the first petitioner, that they are the absolute owners and possessors of agricultural land situated in Survey Nos.685, 687/A and 687/C admeasuring an extent of Acs.1.90 cents, 0.63 cents and 0.61 cents respectively situated at Pesaravai Village, Gadivemula Mandal, Kurnool District, having purchased the same under the registered sale deeds. They state that they have been in possession and enjoyment of the said land. In the absence of any boundary stones, they wanted survey to be conducted by the officials and accordingly they submitted an application before the third respondent on 18.11.2016 by paying the requisite fee of Rs.285/-. Thereafter, the third respondent deputed the fourth respondent to conduct survey and submit a report and the fourth respondent, in turn, issued notices to the petitioners as well as the neighbouring land owners on 06.05.2017, but the neighbouring land owners did not turn up. Thereafter, the fourth respondent issued two more notices on 13.05.2017 and 23.05.2017 and in spite of the same, the neighbouring land owners did not cooperate. The fourth respondent submitted a report to the third respondent stating that unless and until all the neighbouring land owners, who are served with the notices, are present, the survey cannot be conducted and in view of the report submitted by the fourth respondent, the third respondent issued an endorsement on 11.08.2017 informing that the survey could not be completed in view of the absence of the neighbouring land owners. Challenging the same, the present writ petition is filed.

When the fourth respondent issued notices to the neighbouring land owners fixing the date for conducting survey and postponing the same on two more occasions, the fourth respondent could not have reported that he cannot conduct survey in the absence of neighbouring land owners. The respondents 3 and 4 should have completed the survey by following due process of law. When appropriate notices were issued to the neighbouring land owners, it is for them to be present on the dates specified in the notices and in case of their failure, the respondents 3 and 4 can proceed with the survey.

In the circumstances, the impugned endorsement dated 11.08.2017 of the third respondent is set aside and the matter is remitted to the third respondent for taking steps for conducting survey in accordance with law and complete the same within a period of three weeks from the date of receipt of copy of this order.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

29.01.2018
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