

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.20274 OF 2014

ORDER:

The petitioner seeks writ of *mandamus* declaring the action of the 3rd respondent in not conducting survey pursuant to the Memo Rc.No.B1/1270/Demarcation/2013-32, dated 21.05.2013, issued by the 2nd respondent, as arbitrary and illegal and consequently, direct the 3rd respondent to conduct survey.

2. Petitioner's case is that he is the owner and possessor of land to an extent of Ac.1-26 guntas in Survey No.177/A/1, Velugumatla Village, Khammam Urban and District, having purchased the same under a registered sale deed bearing document No.3847/2008, dated 11.04.2008. The revenue authorities have also issued pattadar passbooks and title deeds in favour of the petitioner. His further case is that he made an application, dated 16.05.2013, to the 2nd respondent requesting him to conduct survey in relation to the said land as he was unable to locate and identify the exact extent of his land. The 2nd respondent had issued a Memo Rc.No.B1/1270 /Demarcation/2013-32, dated 21.05.2013, directing the 3rd respondent to conduct survey as per the petitioner's request. However, in spite of the instructions of the 2nd respondent, the 3rd respondent has not conducted survey till date. Hence, the Writ Petition.

3. Learned Government Pleader for Revenue, who takes notice on behalf of the respondents, did not choose to file counter so far.

4. When the matter came up for hearing, learned Government Pleader, on instructions, would submit that the 3rd respondent submitted a report, dated 02.06.2014 to the 2nd respondent stating that he issued notice, dated 10.03.2014, to the writ petitioner and also surrounding farmers with a direction to attend the field to enable him to conduct survey on 15.03.2014 and 16.03.2014. The said notice was served to all the concerned on 11.03.2014, but the writ petitioner has not attended for survey on the assigned date. Again, notice was issued to the writ petitioner as well as surrounding farmers on 26.05.2014 to attend the field on 31.05.2014. Though, the writ petitioner has attended the field, but he could not identify the land possessed by him. The 3rd respondent has further reported that Survey No.177 of Velugumatla is having Ac.11.26 guntas and the writ petitioner was not having physical possession over the land. He further reported that he also conducted panchanama to that effect.

5. Learned Government Pleader would submit that indeed, the 3rd respondent made an attempt to conduct survey, however, the petitioner could not able to locate and identify the extent of land said to have been purchased by him.

6. Having regard to the above submissions, this Writ Petition is disposed of directing respondent Nos.2 and 3 to issue a fresh notice to the petitioner and other surrounding farmers to attend survey on the date fixed by the 3rd respondent. Thereupon, the petitioner shall attend with necessary records and locate his land with reference to his sale deed to enable the 3rd respondent to

conduct survey as per the Rules and the Circular orders issued from time to time.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE U.DURGA PRASAD RAO

DECEMBER 05, 2018

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Date:05.12.2018

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