

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.4315 of 2018

Order:

Heard learned Senior Counsel appearing for the petitioners and learned Government Pleader for the respondents 1 to 4. In view of the disposal of the Writ Petition in the manner indicated herein, this Court dispensed with the notice to the fifth respondent.

Learned Senior Counsel appearing for the petitioners submits that there is a dispute with regard to the property of an extent of Ac.6-05 cents, situated in Survey Nos.25/2 and 22/4 of Karapa village and O.S.No.295 of 2009 was filed in which the fifth respondent herein was shown as third defendant and her husband was shown as the second defendant. The suit was filed for declaration of title and for injunction and the same was dismissed. Against the dismissal of the said suit, A.S.No.321 of 2013 was filed before this Court and the same is pending. The tenants along with the brother of the second petitioner filed W.P.No.20053 of 2017 against the action of the police in interfering and trying to dispossess the petitioners and this Court disposed of the said Writ Petition on 20.06.2017 directing the respondents 2 and 3 therein not to interfere with the civil disputes, except in accordance with law. Now, when a notice is issued by the Deputy Inspector of Survey, Office of the Revenue Divisional Officer, Kakinada, dated 18.12.2017, to conduct a survey pursuant to the grievance expressed by one of the parties to the notice on 06.11.2017, the present Writ Petition is filed.

A reading of the impugned notice dated 18.12.2017 states that as per the directions of the District Collector, East Godavari District, in order to settle the grievance, the Deputy Inspector of Survey wanted to conduct a survey on 28.12.2017 at 10.00 AM and, accordingly, he issued notices to the complainant as well to the neighbours for producing the documents while conducting the survey. It appears that the first petitioner herein raised an objection on 26.12.2017 for conducting the survey and the survey was postponed.

Learned Senior Counsel appearing for the petitioners submits that in the guise of conducting the survey, the fifth respondent is trying to interfere with the land of the petitioners through the use of the official machinery and the impugned notice is issued only in that regard. He further submits that in view of the pendency of A.S.No.321 of 2013 before this Court, the authorities are not entitled to interfere with the land.

As stated above, a perusal of the impugned notice shows that pursuant to the grievance expressed by one of the parties, the fourth respondent wanted to conduct a survey on the directions of the second respondent and there cannot be any grievance by any parties for such survey. The action of the fourth respondent is confined only to the extent of conducting survey. After conducting the survey, he has to submit a report to the third respondent and the result of such survey shall be communicated to the complainant and to the neighbours, if they want, so that they can take appropriate steps either in the pending appeal or in the appropriate proceedings. Beyond that, there cannot be any scope for apprehension for conducting survey.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALI NGESWARA RAO, J

Date: 09.02.2018
Nsr

