

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5611 of 2018

ORDER:

The petitioner claims to be the absolute owner and possessor of various extents of land in Survey Nos.462-1A, 447, 350-1, 426-1 and 460 of Damancherla Village, Varikuntapadu Mandal, SPSR Nellore District, under a patta issued by the third respondent. He also states that his mother is the owner and possessor of other extents of land in the same Village under a patta issued to her by the third respondent. When the fifth respondent tried to interfere with the said properties, the petitioner and his mother filed O.S.Nos.32 of 2016, 41 of 2016 and 47 of 2016 on the file of the learned Junior Civil Judge, Udayagiri. When the said proceedings are pending, it appears that the fifth respondent submitted an application for survey of the lands claimed by the petitioner and when a notice was issued by the fourth respondent, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that in the guise of conducting the survey, the fifth respondent wants to establish his title and gather evidence. He further submits that without any title, the fifth respondent made an application for conducting the survey and the survey should not have taken place.

When this Court pointed out whether the survey was completed or not, learned Counsel for the petitioner submits that the petitioner submitted objections to the survey and the survey did not proceed.

The apprehension of the petitioner has no basis since the fifth respondent filed the application for taking the measurements of the land claimed by him and whether he has got title over the said land or not has to be decided in the pending suits or in appropriate civil proceedings. Now the fourth respondent is undertaking the survey of the land pursuant to the application filed by the fifth respondent and the survey is only in respect of the land mentioned in the application, and it is clarified that by virtue of the survey, the parties title or possession is not being established and it has to be established in appropriate civil proceedings. In view of the same, the fourth respondent can go ahead with the survey by giving appropriate notice to the petitioner as well as the fifth respondent and complete the same as expeditiously as possible.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

21.02.2018
vs