

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.7564 OF 2018

ORDER:

1. Heard the learned counsel for the petitioner.
2. The petitioner claims to be the absolute owner, pattadar and possessor of the land of an extent of Ac.1.01 guntas in Survey No.272/3 at Dhanwada Village and Mandal, Mahabubnagar district. He states that he purchased the said land from the original owner on 11.1.1995 and since then he has been in possession and enjoyment of the said land. When there was an interference by third parties, he filed O.S.No.80 of 1999 before Civil Court. When there was interference by the Government Officials, he filed O.S.No.19 of 2001, which was decreed in his favour on 17.6.2002 and it has become final. When there was interference by the 4th respondent and his brothers, he filed O.S.No.2 of 2004 seeking perpetual injunction on the file of Junior Civil Judge, Narayanpet and the 4th respondent filed O.S.No.110 of 2004 in the same Court. Both the suits i.e., O.S.No.2 of 2004 and O.S.No.110 of 2004 were decreed. But the 4th respondent filed A.S.No.14 of 2017 as against the decree passed in O.S.No.2 of 2004 and the same is pending before the Senior Civil Judge, Narayanpet. The petitioner filed A.S.No.8 of 2017 against the judgment and

decree in O.S.110 of 2004 before the same Court. The 4th respondent is claiming land in Survey No. 283, whereas the petitioner is claiming land in Survey No.272/3. When the said appeal is pending, the 4th respondent appears to have submitted an application to the 2nd respondent seeking survey of the land in Survey Nos.281, 282 and 283 and on the said application, when the 2nd respondent issued a notice on 12.2.108, the present Writ Petition is filed.

3. A perusal of the impugned notice shows that it was issued at the instance of the 4th respondent since the petitioner is a neighbour to the said land. A copy of the notice was also served on the petitioner. There is nothing wrong in calling the owners of neighbouring land when a survey is conducted. The survey does not determine the rights of the parties but merely indicates the location of the land and the petitioner cannot interdict such survey on the ground that an appeal is pending before the learned Senior Civil Judge, Narayanpet.

4. This Court does not see any ground to interfere with the impugned notice and if the petitioner feels that he has to file objections on the survey report or at the time of conducting Survey, it is open for him to take appropriate steps in accordance with law.

5. The Writ Petition is disposed of, accordingly.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 8.3.2018

KPM

