

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.16132 OF 2014

ORDER:

This is a second round of litigation. Earlier, the petitioner filed Writ Petition No.36065 of 2013 seeking the same relief of declaring the action of the 3rd respondent in not conducting survey and fixing the boundaries to the petitioner's land to an extent of Ac.4.98 cents in Survey No.641 of Gopalpuram Village, Nallamdu Saverulu Ungutur Mandal, West Godavari District, as arbitrary and illegal.

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader appearing for the respondents.

3. It should be noted that the earlier Writ Petition No.36065 of 2013 was disposed of on 11.12.2013 with an observation that the petitioner can approach the respondents for survey afresh subject to result of the pending suits.

4. The petitioner while admitting that the suits i.e., O.S.Nos.362 and 363 of 2011 on the file of Junior Civil Judge, Tadepalligudem, West Godavari District, are pending against him, he would further submit that some third parties are trying to interfere with his peaceful possession and enjoyment over the property and therefore, he needs survey of the aforesaid land. If that is his case, the remedy is not by way of survey, particularly, in the light of order, dated 11.12.2013 in W.P.No.36065 of 2013.

5. Learned Assistant Government Pleader incidentally submits by producing copies of photographs that during the rainy season,

the subject land and other lands in that vicinity assume the appearance of a big tank and therefore, the villagers have filed suits seeking to declare the said lands as tanks and the suits are still pending.

6. In that view of the matter, the request of the petitioner cannot be considered.

8. Accordingly, the Writ Petition is dismissed. 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 12, 2018

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Date:12.12.2018

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