

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.14913 OF 2018

Dated:26.04.2018

Between:

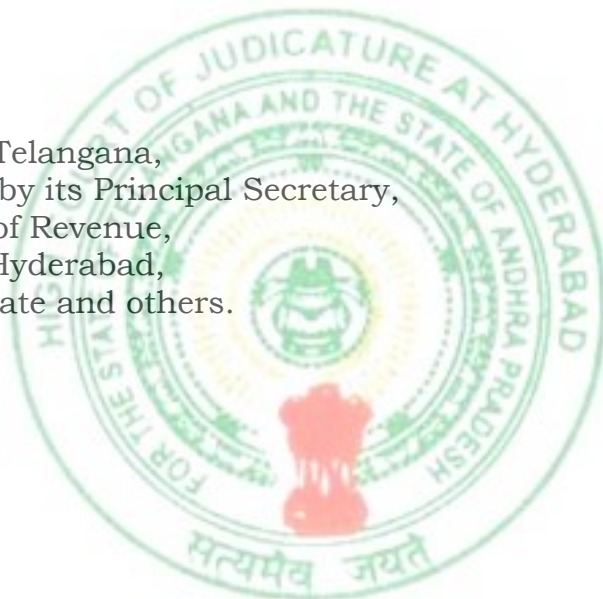
Mohammed Fayaz,
S/o: Mohammed Fareed,
Aged about 45 years,
Occupation: Business,
R/o. H.No.18-1-534/1,
Kandikal Gate,
Hyderabad, Telangana State.

... Petitioner

And

The State of Telangana,
Represented by its Principal Secretary,
Department of Revenue,
Secretariat, Hyderabad,
Telangana State and others.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.14913 OF 2018****ORDER:**

Petitioner claims to be the co-owner and in peaceful possession of property bearing open Plot Nos. 29 to 38 and 52 (including 20-50' feet road) in survey Nos.94 and 95, the total extent of 2,600 square yards, Nalla Bagh, Kandikal Gate, Bandlaguda, Hyderabad, having purchased the same vide registered sale deed dated 30.11.2017.

2. Petitioner alleges that some people are obstructing the peaceful possession and enjoyment of the said property and trying to dispossess the petitioner. Alleging illegal interference, a complaint is filed, which was registered as Crime No.01/2018 on the file of Chatrinaka Police Station, Hyderabad and rival crime was registered bearing Crime No.03/2018 in the same police station. While so, petitioner alleges that on 18.04.2018, survey was sought to be conducted, but, the rival claimants obstructed conducting of survey. According to the petitioner, police sought to conduct of survey in view of the rival claims.

3. The averments made in the affidavit filed in support of the writ petition do not disclose that a request was made by the petitioner to conduct survey. But petitioner relies on a request made by the police authorities to conduct survey on

private land. If there is any *inter se* dispute between two neighbours, police have no competence to ask for conducting of survey in the process of enforcement of law and order. They cannot trench into the issue of resolving the title disputes or boundary disputes and ask for conducting of survey. It would be entirely another aspect if survey process is initiated and in the process of conducting survey, to ensure peace, the competent authority may request the police to assist and in that context only, they can be present to ensure law and order but they cannot on their own request for conducting of survey.

4. Further, learned Assistant Government Pleader points out that as the subject land is converted as house sites, no survey of house sites can be conducted.

5. Having regard these facts, as noted above, the prayer of the petitioner to direct respondents 2 to 4 to conduct survey cannot be granted and this writ petition is dismissed.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

26.04.2018
SS

P.NAVEEN RAO, J

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.14913 OF 2018

26th APRIL, 2018

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