

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12261 of 2017

ORDER:

This writ petition is filed with the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that, this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the inaction of the 3rd and 4th Respondents in not conducting survey and fixing the boundaries is illegal, arbitrary and contrary to the A.P. Rights in Land and Pattadar Pass Books Rules, 1989 and also the provisions of the A.P. Survey and Boundaries Act, 1923 and consequently direct the 3rd and 4th Respondents to conduct the survey and fix the boundaries after causing enquiry in respect of the “subject property” an extent of land Ac.0.03 cents out of Ac.1.28 cents in Sy.No.444/B2 situated at Mandigiri Grampanchayat, Adoni Mandal, Kurnool District consequent to Petitioner’s Application/Representation and Receipt dt: 04.03.2017 and as expeditiously as possible preferably within a period of 4 weeks.”

Respondent No.3 filed a counter-affidavit, in paragraph 5 of which, it is stated as follows:

“After filing the application for showing boundaries by the petitioner when he approached this respondent office for the above purpose he was informed that unless the site in question is sub-divided there is no possibility for showing boundaries of the site without documentary evidence as well as approved layout. Therefore, he was advised to apply for sub-division of the site in an extent of 0.03 cents out of 1.28 acres in Sy.No.444-B2 situated at Mandagiri Village, Adoni Mandal, Kurnool District, so that his request for showing boundaries of the site would also be successfully carried out. At present, it is not practically possible to cull-out boundaries of the site since it is not sub-divided.

It is submitted that the petitioner has not taken steps according to the procedure laid down under Survey & Boundaries Act to get his land sub-divided in that process his request for showing boundaries would also be get complied with.”

In the light of the stand taken by respondent No.3 in the counter-affidavit that to demarcate the boundaries of the subject property, the petitioner has to take steps for sub-division thereof as per the procedure laid down under the Survey and Boundaries Act, 1923, this writ petition is disposed of giving liberty to the petitioner to take steps accordingly.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

4th JANUARY, 2018.

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CHALLA KODANDA RAM, J

