

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18126 of 2018

ORDER:

Heard Mr.M.V.Subrahmanyam for petitioners and the learned Assistant Government Pleader for respondents 1 to 4 and Mr.Raghunandan Rao for respondent No.5.

The petitioners pray for mandamus declaring the action of respondents in laying foundation stone for construction of Haj House in Block No.1, Revenue Ward No.1, Municipal Ward No.1, N.T.S.No.13 in an extent of Ac.5-00 cents in Vidhyadharapuram, Vijayawada, Krishna District, as illegal and violative of Article 300-A of Constitution of India.

The respondents have filed counter affidavit.

Keeping in view the stand taken by respondent No.4, Mr.Subrahmanyam confines his prayer to issue direction to respondent Nos.3, 4 and 6 to conduct survey of the subject matter of the writ petition by referring to the application TAADLC011702759989, for survey said to have been conducted on 07.03.2017 was behind the back of petitioners. The report filed in this Court admits that the survey was conducted not in the presence of the petitioners. Keeping in view the nature of controversy and

to meet the ends of justice, the Court disposes of the writ petition by this order:

- (a) The petitioners are given liberty to submit or resubmit application along with a copy of this order before respondent Nos.3, 4 and 6 for survey and demarcation as per their documents and entitlement within four (04) weeks from today.
- (b) The respondent Nos.3, 4 and 6 consider conducting survey within four (04) weeks from the date of request made by the petitioners.
- (c) The petitioners as well as respondent No.5 may be given notice at the time of survey and respectively can give their work memo for execution by the survey party.
- (d) The petitioners, if are not satisfied with the survey or for reason to believe that their right is required to be adjudicated by a Civil Court, they are given liberty to file a comprehensive suit for appropriate relief. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Date: 11.07.2018
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S. V. BHATT, J

