

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20277 of 2007

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner seeking a writ of mandamus to declare the inaction of the respondents in not conducting survey of land admeasuring Ac.0.35 ½ cents in Survey No.3-2C-2E of Tirupati Revenue Village and Mandal (Urban), as per the notice issued by the Assistant Director of District Survey and Land Records, Chittoor, 2nd respondent, in Rc.No.A3/GLP.No.24-05 dated 22.10.2005, as illegal and arbitrary. A consequential direction is also sought to survey and sub-divide the said land.

2. Heard Sri R. Radhakrishna Reddy, learned counsel for the petitioner, and the Government Pleader for Revenue (AP) appearing for the respondents.

3. It is submitted by the learned counsel for the petitioner that the petitioner purchased vacant land admeasuring Ac.0.35 ½ cents in Survey No.3-2C-2E of Tirupati Revenue Village and Mandal (Urban) from its lawful owner, Sri Kethireddy Janardhana Reddy, through a registered sale deed dated 07.01.1989, and ever since then, she is in uninterrupted possession and enjoyment of the same. Subsequently, she submitted a representation dated 03.04.2005 to the District Collector, Chittoor, 1st respondent, seeking to conduct survey and subdivide her land. Pursuant to which, the 2nd respondent directed the

3rd respondent to examine the case of the petitioner and submit compliance within three days. After receipt of the report from the 3rd respondent, the 2nd respondent issued a notice dated 22.10.2005 informing the petitioner that he would be visiting Tirupati on 28.10.2005 at 10.00 a.m. to conduct survey of the land in question, but so far, the 2nd respondent has not taken any steps to conduct survey and subdivide the land. In those set of circumstances, the present writ petition is filed.

4. Learned counsel for the petitioner and the learned Government Pleader for Revenue (AP) appearing for the respondents have fairly conceded that the subject matter of this writ petition is squarely covered by an order of this Court passed in W.P.No.9243 of 2006 dated 17.07.2006 and submitted that similar orders may be passed in this writ petition also. The operative portion of the said order reads as under:

“Therefore, the third respondent is directed to issue notices as required under Rule 9 framed under Section 26 of the Act and complete the survey of the land in Survey No.3/2C2/E2 within a period of four weeks. If the two brothers and two sisters of the petitioner raise objections, their objections may be recorded with regard to the ownership of the land. Be it noted that mere survey of the land by the revenue officials does not in any manner confer any rights of ownership or a valid title to the petitioner or take away such rights. The purpose of survey is only to show that the land on the ground is in accordance with the Field Measurement Book and the area remains as it is recorded in the village records.

The writ petition, with the above observations, is accordingly disposed of. No costs.”

5. Having considered the submissions made by the parties, the writ petition is disposed of, with a direction to the respondents to conduct survey of the subject land and complete the same, after following the due process of law, within a period of four (4) weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

16th March, 2018
cbs



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Writ Petition No. 20277 of 2007
(disposed of)

16th March, 2018

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