

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.33963 of 2017

ORDER:

Heard Mr.C.Suman for petitioners, the learned Government Pleader for Revenue and Mr.A.Venkatesh for 5th respondent.

The petitioners challenge the order of respondent No.2 in Case No.D5/2220/2014 dated 11.09.2017 passed under Section 9 of the A.P.Rights in Land and Pattadar Passbooks Act, 1971, disposing of the revision filed by 5th respondent as follows:

“Now, remaining balance land is available Ac.3-37 gts in the same Survey number. In this regard, there are many Registered Sale Deeds have taken place which have to be examined because excess land has been registered i.e. more than Ac.14-37 gts. The Registered Sale Deed Nos.8924/2002, 2643/2002, 6138/2003 and 1506/2012 to an extent of Ac.0-29 gts, 0-33 gts, 1-09 gts and 2-10 gts respectively and these registered sale deeds have also got mutated in revenue records earlier are hereby set aside.

In the instant case mutation is effected/sought only in respect of apportion of the land i.e Ac.2-10 gts. No sub-division was done in respect of this total extent/ land. As such, the land for which mutations are effected has not been localized or identified properly. Therefore, effective mutations in respect of the land an indetermined and undefined parcel of land in respect of which no sub-division is made is not in order.

In view of the circumstances, narrated and above findings, in the result it is therefore ordered that there shall be a fresh survey and demarcation by the Assistant Director, Survey and Land Records of all the extent of lands in Survey number 197 with reference to the sale deeds of all the purchases set out in the report of the Tahsildar dated:31-05-2015. The Assistant Director shall follow due procedure of law and also issue notices to all concerned including the purchasers from the respondents 1 to 4 herein namely D.Vasudeva Reddy, Y.Ganga Dhar Reddy, S.Arjun & E.Shanker Goud (as indicated in the counter filed by the respondents 1 to 4).

Accordingly, revision petition is disposed of.”

The writ petitioners though challenge the order of 2nd respondent on several factual and legal grounds, Mr.C.Suman has confined his submission to the alleged inchoate direction of survey issued by the 2nd respondent through the order impugned in the writ petition. Explaining his contention, he draws the attention of the Court to the grounds raised in para 10 of writ affidavit and contends that if at all, for the purpose of mutation and maintenance of records under the Act, the survey is felt necessary by the Joint Collector, the survey of Sy.No.197 of Mankhal Village, Maheshwaram Mandal should be undertaken from the 1st sale transaction till recent transfer. Any attempt without comprehensive survey serves no purpose.

Mr.A.Venkatesh submits that the 5th respondent being the earliest of purchasers of an extent of Ac.5-25 gts from all the successors in the interest of one Mohd.Nisar Mehadi Khan, he has no objection for the survey of land covered by all the transactions. The order impugned in the writ petition is confirmed however with the following modification.

The 5th respondent while undertaking survey and demarcation of various extents of land in Sy.No.197 undertakes a comprehensive survey referring to the transactions from 1980 till date, and submit copies of reports to the parties. Notices to all the persons who claim right, interest in Sy.No.197 shall be taken out, as and when the survey is undertaken. For ensuring comprehensive participation by stakeholders either petitioners or respondent No.5 is given liberty to furnish details of owner of land in Sy.No.197 to Tahsildar.

Writ petition is disposed of. No order as to costs.

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

S. V. BHATT, J

Date: 11.04.2018
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