

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22060 of 2007

O R D E R:

The sole petitioner died on 23.03.2011 and petitioner Nos. 2 to 5 are brought on record as his legal representatives.

Petitioner No.1 asserts that he is the owner and possessor of land admeasuring Acs.20.26 guntas in Survey No.201 of Gingurthi Village, Tandur Mandal, Ranga Reddy District, having acquired the same from his mother Smt.Tulasi Bai and his name was also entered in the revenue records. He further asserts that Survey No.201 was bifurcated as Survey Nos.201/A and 201/AA showing the extent of land as Acs.17.26 guntas and Acs.3.00 guntas respectively as evident from the Khasra Pahani. He further asserts that on noticing that the extent of the land was reduced subsequently, he approached respondent No.1 seeking correction of the same, but respondent No.1 without verifying the records and without conducting survey, issued proceedings, dated 21.02.2004, holding that that the actual extent of land held by the petitioner in respect of Survey No.201 is Acs.15.13 guntas. Aggrieved by the same, he filed this writ petition seeking a mandamus to declare the impugned proceedings as illegal and arbitrary and consequently direct the respondents to survey the land in Survey No.201 of Gingurthi Village, Tandur Mandal,

Ranga Reddy District and record his land as Acs.20.26 guntas in the revenue records.

Though the writ petition was filed in 2007, no counter-affidavit is filed denying the allegations mentioned in the writ affidavit.

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

A perusal of the impugned proceedings discloses that respondent No.1 had categorically held that Survey No.223 corresponds to new Survey No.201 and right from 1954, the land available in respect of Survey No.201 is only Acs.15.13 guntas and that in the tabular form, Survey Nos.201/A and 201/B were shown, which shows that there was bifurcation with respect to Survey No.201, but it is not discernable when old Survey No.223 became Survey No.201 and when bifurcation of Survey No.201 came into existence and for what purpose and whether any third party claimed the land held by petitioner No.1 in respect of Survey No.201/A.

In those circumstances, the writ petition is allowed and the impugned proceedings are set aside. The respondents are directed to conduct survey of the land in Survey Nos.201, which was subsequently sub-divided into Survey Nos.201/A and 201/B

of Gingurthi Village, Tandur Mandal, Ranga Reddy District so as to ascertain the actual extent of the land by issuing notice to the parties concerned and pass orders in accordance with law. The petitioners are at liberty to submit necessary material before the respondents in support of their claim.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:04.04.2018
kdl

CHALLA KODANDA RAM, J

