

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.1517 OF 2016

ORDER:

This petition is filed under Article 226 of the Constitution of India, declaring the action of the 4th respondent in not disposing of petitioner's application dated 28.11.2015 to conduct a survey and fix the boundaries of Peerla Chavadi situated in land admeasuring Ac 0-06 Cents in D.No 3-86 in R S No 263 Gouravaram Village Jaggaiahpet Mandal Krishna District as arbitrary, illegal, and violative of the Principles of Natural Justice under Articles 14, 25 & 300-A of the Constitution of India and the Provisions of the A P Survey and Boundaries Act 1923 and consequently direct the Respondents to dispose-off applications dated 28.11.2015 to conduct the survey and fix the boundaries of Peerla Chavadi situated in the land admeasuring Ac 0-06 Cents in D No 3-86 in R.S.No.263 Gouravaram Village Jaggaiahpet Mandal Krishna District.

It is the case of the petitioner that, on the eastern side of Gram Panchayat, a Chavadi was constructed over an area admeasuring Ac.0-.06 cents in D.No.3-86 in R.S.No.263 for performing Moharam festival which is called as Peerulu. On 01.05.1984, the villagers of Gouravaram village held Grama Sabha among the Muslims and Hindus in the presence of the donor, elected a governing body for the Peerla Chavidi. Since the inception of the Peerla Chavadi, the villagers have been offering prayers without any hindrance from anybody.

While the matter stood thus, the on 04.07.1993, some of the villagers, with an evil eye tried to remove Peerulu from the Chavadi and thrown them into the river and the matter was reported to the Station House Officer, Chilakallu Police Station. Since the Police have not taken any action, the petitioner filed O.S.No.87 of 1993 on the file of Junior Civil Judge at Jaggaiahpet, Krishna District against Mr.Sk.Bademia and four others, seeking permanent injunction restraining them from interfering with the peaceful possession and enjoyment of the Peerulu Chavidi over an area admeasuring Ac.0-.06 cents in D.No.3-86 in R.S.No.263 situated at Gouravaram Village, Jaggaiahpet Mandal, Krishna District.

As O.S.No.87 of 1993 is pending before the Court below, this petitioner submitted an application on 28.11.2015 to the 4th respondent to conduct survey and fix the boundaries of the aforesaid property. The application is still not disposed of by the 4th respondent without assigning any reason. Therefore, sought the above relief.

During hearing, learned counsel for the petitioner reiterated the above contention, whereas, the learned Government Pleader for Revenue (A.P) contended that the application has to be submitted through online by paying necessary fee, otherwise, such applications shall not be entertained for the purpose of conducting survey and fixing boundaries. Further, learned counsel for the petitioner expressed his readiness to pay necessary fee for conducting survey and fixing the boundaries by the 4th respondent, as per the existing rules.

Admittedly, the petitioner submitted application on 28.11.2015 to conduct the survey and fix the boundaries of Peerla

Chavadi situated in the land admeasuring Ac 0-06 Cents in D.No 3-86 in R.S.No.263 Gouravaram Village Jaggaiahpet Mandal Krishna District. But, by the date of submitting the application, processing of application through online mode was not adopted and it is a recent amendment to the rules under Survey And Boundaries Act. Therefore, question of submitting an application through online and on that pretext, failure of the 4th respondent to take necessary action is illegal, as there was no procedure for making such online application. Hence, keeping the application pending since 28.11.2015 is illegal and contrary to the law and therefore, the 4th respondent is directed to dispose of the application submitted by this petitioner on 28.11.2015 within two months from the date of receipt of copy of this order.

With the above direction, the writ petition is allowed.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:23.04.2018

SP