

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.28521 OF 2018

ORDER:

The present writ petition came to be filed seeking to issue a Writ of *Mandamus* to declare the action of the respondents 4 and 5 in trying to conduct survey of land admeasuring Ac.1.37 cents situated in R.S.No.442/1, Ac.1.97 cents in R.S.No.443/2 and Ac.1.37 cents in R.S.No.443/3 of Pedalanka Village, Kalidhindi Mandal, Krishna District, without following the due process of law, as illegal and arbitrary.

It is the case of the petitioners that they are the owners and possessors of land admeasuring Ac.1.37 cents situated in R.S.No.442/1, Ac.1.97 cents in R.S.No.443/2 and Ac.1.37 cents in R.S.No.443/3 of Pedalanka Village, Kalidhindi Mandal, Krishna District and the petitioners obtained pattadar passbook Nos.181, 182 and 183 and title deeds in their favour. It is also stated that the petitioners are doing pisciculture business in the said land for the past several years. While things stood thus, all of a sudden on 5.2.2018, the officials of the 4th respondent came to the land of the petitioners and tried to conduct survey of their property without issuing any notice or following due process of law, which is challenged herein.

On the other hand, learned Government Pleader for Revenue would submit that the subject land belongs to the father of the petitioners and the auction in respect of the subject lands was done by the Primary Agricultural Cooperative Society, Gudivada and the pattadar pass books also stood in the name of the father of the petitioners. Hence pleaded that the petitioners have no *locus standi* to object to the survey of the subject land. According to the learned Government Pleader, the survey

in question was sought to be conducted basing on a representation made by the person who purchased the property.

Having regard to the facts and circumstances of the case, it is just and proper to dispose of the writ petition directing the respondents 4 and 5 to give notice to the petitioners and all concerned, by mentioning the date and time of the survey, consider their objections, if any and conduct the survey in accordance with the procedure prescribed under law.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:13.08.2018
Gk

C. PRAVEEN KUMAR, J



HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

39



WRIT PETITION No.28521 OF 2018

Date:13.08.2018

Gk