

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.28975 of 2018

ORDER:

The present Writ Petition came to be filed for issuance of a writ of mandamus declaring the action of the 3rd respondent/The District Officer of Land Survey and Land Records, Khammam, in not completing the survey and filing the report as illegal, arbitrary and unconstitutional and consequently direct the 3rd respondent to complete the survey and fix boundaries in respect of the land situated in Sy.No.216/AA/4 of Ballepally village, Khammam Urban Mandal, Khammam District.

2) The averments in the affidavit filed in support of the Writ Petition show that the petitioners herein claimed to be the owners and possessors of land to an extent of Ac.1.22 guntas in Sy.No.216/AA/4. Their names are reflected in the revenue records. The averments in the affidavit also show that in the year 2010, the first petitioner executed a registered General Power of Attorney in favour of one Y.Upender authorizing him to look after his property and to execute a sale deed in favour of others. Thereafter the said Upender formed a layout during the year 2012. One Thavuluri Jaya Laxmi is said to have purchased plot No.23 admeasuring 280 sq. yards in Sy.Nos.215/A and 215/6A situated at Jayanagar colony, Ballepally village, Khammam in the year 2004 from Malledu Veeraiah and filed a

suit viz, O.S.No.188 of 2018 on the file of Principal Junior Civil Judge, Khammam seeking perpetual injunction against the writ petitioners herein. On 09.04.2018 the trial court granted interim injunction. Similarly, one Davuluri Kalyani also filed O.S.No.189 of 2018 seeking injunction against the writ petitioners, which is being contested by the writ petitioners. According to the petitioners, an application came to be filed on 05.07.2018 before the 3rd respondent requesting *inter-alia* to submit a report by conducting a survey and to demarcate the boundaries in respect of land in Sy.No.216/AA/4 of Ballepally village of Khammam Urban Mandal, Khammam District. It is said that inspite of paying the requisite fees through Treasury and submitting the same to the 3rd respondent, there is no response from the 3rd respondent. Hence, the present Writ Petition.

3) Learned Government Pleader on instructions states that when the petitioners themselves have no right over the property and since the very same property was made into plots by their G.P.A. Holder in the year 2012, seeking a positive direction for conducting survey cannot be granted.

4) The question is whether the petitioners have any right to seek the relief at this point of time?

5) As seen from the averments made in the affidavit itself the petitioners herein gave a registered G.P.A. in favour of one Upender, who is alleged to have misused the G.P.A., and executed sale

deeds in favour of third parties and thereafter formed a lay out with plots in the year 2012. However, since an application came to be filed by the petitioners along with requisite fees and the same is received in the office, the Writ Petition is disposed of directing the 3rd respondent to deal with the application in accordance with law, at the earliest.

6) There shall be no order as to costs. Miscellaneous Petitions, pending if any in this Writ Petition shall stand closed.

Date: 21.08.2018
GM



C. PRAVEEN KUMAR, J