

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29356 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 4th and 5th respondents in trying to conduct survey of land admeasuring Ac.1.98 cents in Sy.No.131/ A1 and 132/ B of Kavuru Village, Chilakaluripet Mandal, without any application, is illegal, arbitrary and violative of principles of natural justice.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioner claims to be the owner and possessor the land referred to above. According to him, originally the schedule property belongs to his paternal grand father Nagabothu Pamaiah. His grand father had two sons by name Nagabothu Lingaiah and Nagabothu Veeraswamy. Both of them partitioned their properties and an extent of Ac.1.98 cents fell to the share of his father and since then his father is said to be in possession and enjoyment of the said property. After the demise of his father, the petitioner succeeded to the said property and made an application for mutation and for issuance of pattadar pass book. Without verifying the revenue records, the 3rd respondent is said to have issued pass book only to an extent of Ac.1.80 cents. Then the petitioner approached the 3rd respondent for correction of the entries, but the same was not considered. Hence, the petitioner filed O.S.No.205 of 2017 against the 2nd and

3rd respondent along with other un-official respondents, who are interfering with his possession. The grievance of the petitioner is that when his application for appointment of an advocate-commissioner to localize the property is pending consideration, the official respondents without any order from the Court and at the instance of rivals, so as to fill up the lacuna in the civil case, is trying to conduct survey in the said land.

3) The Government Pleader for Revenue (AP), on instructions states that the allegation of official respondents conducting survey on their own is incorrect. According to her, the question of survey would not arise in view of pendency of the petition filed by the petitioner. She further states that the instructions received by her does not anywhere refer to conducting of survey by the official respondents at the instance of private persons.

4) Recording the statement of the Government Pleader namely that the respondents are not conducting any survey in the said land, the Writ Petition is closed.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

27.08.2018
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