

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29608 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleaders for Revenue and Home (Andhra Pradesh).

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of Writ of Mandamus declaring the action of respondent Nos.2 to 5 and 8 in not conducting the survey and demarcation of the land in Survey No.13, admeasuring Ac.1.21 guntas, situated at Bairagiguda Village, Gandipet Mandal, Ranga Reddy District and the action of the respondents – police in not providing police protection to respondent No.5 to conduct survey and demarcation of the said land despite the representations of the petitioner dated 16.11.2016, 30.03.2018 and on 04.04.2018, as illegal and arbitrary.

4. The averments in the affidavit filed in support of the Writ Petition would show that the petitioner claims to be the owner and possessor of the land in Survey No.13, admeasuring Ac.1.21 guntas, situated at Bairagiguda Village, Gandipet Mandal, Ranga Reddy District, purchased through registered sale deed. The name of the petitioner was also mutated in the revenue records and the revenue authorities have also issued pattadar pass book and title deeds in his favour. The revenue authorities have also surveyed

the land and fixed the boundaries. It is stated that the Mandal Surveyor has also conducted panchanama and issued proceedings dated 21.06.2013. According to the petitioner, the Mandal Surveyor, Rajendranagar Mandal, has conducted survey and demarcated the land in the years 2012 and 2013. But, being unsatisfied with the earlier survey, the petitioner made a representation to respondent No.5 to conduct survey and demarcate the boundaries of the above said land, filed an appeal dated 04.04.2018 through Mee-Seva. It is stated that for the reasons best known, respondent No.5 is not proceeding and not considering the said representations. Challenging the same, the present Writ Petition came to be filed.

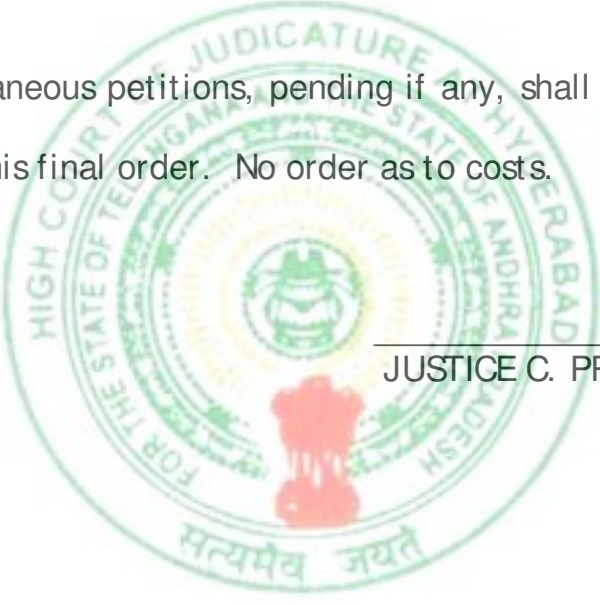
5. As seen from the record, in the year 2013, proceedings dated 21.06.2013, came to be issued after fixing the boundaries over the land in dispute. Since the petitioner is not satisfied with the same, he seems to have made a representation and also filed an appeal through Mee-Seva dated 04.04.2018. Except filing Mee-Seva receipt, no document is filed to show that he has preferred an appeal challenging the survey conducted by the Mandal Surveyor. Learned counsel for the petitioner placed reliance on the representations dated 16.11.2016 and 30.03.2018 and the receipt dated 04.04.2018, to say that he had preferred an appeal through Mee-seva. But the contents of three representations are identical in nature. In the said representations, the request was to conduct survey and demarcate the land. It does not indicate as

to how earlier survey was incorrect and how the same is violative of law. On the other hand, though these representations were made to the learned Assistant Director, but the same came to be presented before the Tahsildar, Gandipet Mandal on 11.04.2018. Therefore, these representations cannot be treated as appeal.

6. Having regard to the above, this Court is of the opinion that the request of the petitioner cannot be accepted. However, the Writ Petition is disposed of giving liberty to the petitioner to avail the remedies available under law, if any.

7. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

27.08.2018
vnb



JUSTICE C. PRAVEEN KUMAR