

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29907 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Telangana).

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 questioning the action of the third respondent in not conducting the survey, demarcation and fixing the boundaries stones in respect of plots bearing Nos.12 to 16 and 32 to 38, situated in Survey No.193/A, Prima Colony, Zaheerabad Town and Mandal, Sanga Reddy District, erstwhile Medak District, inspite of written representations dated 14.05.2018 and 07.08.2016.

4. The petitioner claims to be the absolute owner and possessor of plots bearing Nos. 12 to 16 and 32 to 38, situated in Survey No.193/A, Prima Colony, Zaheerabad Town and Mandal, Sanga Reddy District, having purchased the same from its lawful owner for a valid sale consideration, by virtue of two different registered sale deeds bearing Nos.7835/2010 and 7836/2010. It is stated that originally total extent of land in Survey No.193 is Acs.6.26 guntas and the pattadar of the said land sold away an extent of Acs.3.16 guntas in favour of one Mr.Shabeer Ali, who in

turn made the said land into house plots and sold the same to various prospective purchases including the petitioner. It is stated that there are no boundary stones fixed to the individual plots, leading to unnecessary disputes with the neighbouring plot owners. Hence, he made a representation on 14.05.2018 before the third respondent seeking survey, demarcation and fixation of the boundaries stones, in respect of the above said plots. But the third respondent did not act upon the said representation, inspite of the petitioner approaching his office several times. Hence, the present Writ Petition.

5. The issue somewhat identical came up for consideration before the learned Single Judge of this Court, in W.P.4811 of 2011 and batch. In the said cases, a specific plea was taken by the learned Government Pleader stating that unless the petitioners comply with the conditions laid down in the Circulars vide Rc.No.N1/1408/07, dated 13.07.2007, Rc.No.N1/6543/99, dated 25.07.2001 and Circular vide Rc.No.N2/1741/2010, dated 18.05.2010, issued by the Commissioner, Survey, Settlements and Land Records, the petitioners cannot, as a matter of right, seek directions for conducting the survey and demarcation of their lands. The circulars are issued only to facilitate the survey of private lands. He further submits that in respect of plots situated in approved layouts of Municipalities and Municipal Corporations, the survey cannot be conducted by the Survey department and it is for the licensed surveyors licensed by the

Corporations, to conduct the survey. He further states that while taking up the survey and demarcation of the lands, the Survey Department has to follow the procedure laid down in Sections 89, 89-A and 92 of Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli.

6. Therefore, learned Government Pleader states that if the survey has to be conducted in respect of the residential plots, the licensed surveyors licensed by the Corporations would be appropriate persons to conduct survey, but not the third respondent.

7. In view of the above, the request of the petitioner, for conducting survey by the third respondent, in respect of the said residential plots, cannot be accepted. However, it is left open to the petitioner to approach the appropriate authority for conducting survey and demarcation of the residential plots.

8. Accordingly, the Writ Petition is disposed of.

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

JUSTICE C. PRAVEEN KUMAR

31.08.2018

vhb