

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31871 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus directing the third respondent to act in accordance with law and to conduct survey and demarcation of the land of the petitioner admeasuring Ac.0.08 gts., in Sy.No.195/ part situated in Gagilapur Village, Dundigal Gandimaisamma Mandal of Medchal-Malkajgiri District (formerly Qutbullapur Mandal of Ranga Reddy District), pursuant to the application made by the petitioner on 27.08.2018.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioner is the absolute owner of land admeasuring Ac.0.08 gts., in Sy.No.195/ part situated in Gagilapur Village. The said land was purchased by the father of the petitioner, under a registered sale deed dated 11.09.1980 from Y.Prakash Reddy and others. His father gifted the said property in his favour through un-registered gift deed dated 08.03.2004. After the death of the father of the petitioner, the sister and brother of the petitioner have executed a release deed in his favour insofar as the subject land, vide document No.6628 of 2011, dated

13.07.2011 and since then he is in possession of the land. It is stated that the fourth respondent appears to be owner of Ac.1.10 gts., in the same survey number, which is adjacent to his land. He applied for a layout with HMDA for development of his land into plots. The petitioner came to know that the fourth respondent encroached on to his land under the guise of implementation of the layout obtained from HMDA and is proceeding with the developmental work in his land. As such he made an application before the Tahsildar on 27.08.2018 seeking survey and demarcation of the land by paying necessary fees. The inaction on the part of the third respondent in conducting survey, led to filing of the present writ petition.

3) At the time when the matter is taken up for hearing, learned Government Pleader for Revenue (TG), placed on record, the previous survey report dated 28.11.2016 and the location sketch.

4) Learned counsel for the petitioner while expressing his doubt over the said survey; submits that the sketch even if it is true, came to be prepared in his absence and no notice was given to him about holding of the survey.

5) A perusal of the sketch would show that the same is neither accompanied by any panchanama nor any signatures

of the parties taken on the said sketch. Having regard to the above, the petitioner shall make a fresh application seeking survey of the land referred to above, in which event the authorities shall conduct survey in the presence of the petitioner and all the concerned by fixing the date and time of the survey, in accordance with law, by taking into consideration the circulars issued from time to time.

6) With the above direction, the Writ Petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

12.10.2018
gkv

JUSTICE C. PRAVEEN KUMAR

