

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31853 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus to declare the action of the 5th respondent to conduct the survey and fix the boundaries of the petitioner's house site, admeasuring 216 sq.yds. in Sy.No.151, situated at Vellaturu Village, Bhattiprolu Mandal, Guntur District, based on the Online Application No. DER011801205345, dated 04.06.2018, as illegal, arbitrary and unconstitutional.

2. The learned counsel for the petitioner would submit that though the petitioner made an application for survey and fixing of the boundaries in respect of the schedule property, but, till date, no survey has been done by the respondents.

3. It is represented by the learned Government Pleader that in view of the orders passed by this Court in W.P.No. 4811 of 2011 and batch, dated 28.04.2016, a separate mechanism has been provided for the purpose of surveying residential plots, and hence, the application filed by the petitioner has to be dealt with by the concerned authorities. The relevant portion of the order passed in the said batch of writ petitions reads as follows:

“A perusal of the Circulars relied on by the learned Government Pleader for Revenue goes to show that subject to compliance of conditions in the Circulars, survey can be undertaken. The Division Bench in the said judgment also considered the effect of Circulars and set aside the order of learned Single Judge. Learned counsel for the petitioners also not disputed that the petitioners have to comply the conditions in the Circulars relied on by the learned Government Pleader for Revenue. In fact, Division Bench issued directions basing on the Circulars. Learned Government Pleader for Revenue also states that while taking up the survey and demarcation of the lands, the Survey Department has to follow the provisions under Sections 89, 89-A and 92 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (For short “the Act”).

In view of the above facts and circumstances, the writ petitions are disposed of directing the respondent-authorities to consider the applications of the petitioners for survey and demarcation of lands after receiving necessary charges, keeping in view 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 and also in terms of the judgment

in W.A.No.618 of 2013 and also keeping in view the provisions of Sections 89, 89-A and 92 of the Act and take necessary action and communicate the decision to the parties. It is open for the petitioners to prefer appeal against the said order, if they are aggrieved in terms of circulars referred to above.”

4. Having regard to the submissions made, the present writ petition is disposed of with consent, at the admission stage, directing the petitioner to make an application for survey of the schedule property, to the concerned authorities, in which event, the concerned authorities shall deal with the same, in accordance with law and the circulars issued from time to time, as expeditiously as possible. There shall be no order as to costs.

5. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.09.2018
DMG