

**HON'BLE THE CHIEF JUSTICE  
SRI THOTTATHIL B. RADHAKRISHNAN**

**AND**

**HON'BLE SMT. JUSTICE T. RAJANI**

**W.A.M.P. No.2728 OF 2017 AND W.A.M.P. No.2726 OF 2017**

**IN/AND**

**WRIT APPEAL No.1464 OF 2017**

**COMMON JUDGMENT (ORAL):** (Per The Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

This is a proposed appeal with an application seeking leave to appeal and an application seeking condonation of delay. Though the order sought to be appealed is a common order in different writ petitions issued by the learned single Judge on 20.04.2016, this appeal relates to that common order in so far as it relates to W.P. No.3592 of 2015. We have therefore heard the learned counsel for the appellants and the learned counsel for the unofficial respondent, who is the writ petitioner in that writ petition, and the learned Government Pleader for Revenue appearing for respondent Nos.2 to 5.

2. A bunch of writ petitions, complaining refusal to act on applications for survey of lands, in relation to which those writ petitions were filed, in terms of A.P. Survey and Boundaries Act, 1923 (for short 'Act') were taken up by the learned single Judge and ordered through the common order directing that survey shall be carried out in accordance with law, after giving notice also to all affected parties. In terms of the provisions of the said Act, it is the statutory duty of the jurisdictional

officer to carry out survey on the basis of any application which is duly filed and in relation to which due procedure is followed.

3. However, the contention of the appellants, as canvassed by their learned counsel before us, is that the writ petitioner in W.P. No.3592 of 2015 is guilty of suppression of material particulars and facts while invoking the extraordinary jurisdiction of the learned single Judge under Article 226 of the Constitution of India. It is submitted that the said writ petitioner had instituted a suit before the Civil Court and had thereafter got the same dismissed as not pressed. It is also submitted that the appellants filed yet another suit as O.S. No.119 of 2014 on the file of Junior Civil Judge, Atamakur, and obtained the decree of perpetual prohibitory injunction by the judgment dated 29.12.2014. According to the learned counsel for the appellants, these two situations obtained in the Civil Court are relevant. The learned counsel for the unofficial respondent viz., the writ petitioner in W.P. No.3592 of 2015 submitted that the suit for injunction which is referred to hereinabove relates to a different survey number.

4. Survey conducted by the statutory officers in terms of the Act, would depend entirely on the survey and revenue records. That cannot pin down the parties in relation to any controversy where jurisdictional civil Courts have issued decrees or where issues relating to title or possession would be germane for decision. This is because, the power to decide on disputes relating to title and/or possession is exclusively

within the judicial domain of the Civil Court, and jurisdiction of the officers under the Act will be confined to carry out survey on the basis of revenue records and not beyond.

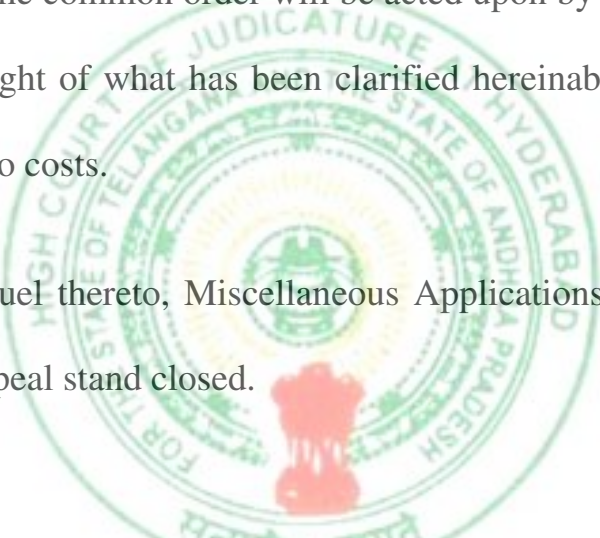
5. In the result:

(i) Delay condoned.

(ii) Leaved to Appeal granted.

(iii) In the light of the aforesaid, this Writ Appeal is ordered clarifying that the common order will be acted upon by the parties to this appeal in the light of what has been clarified hereinabove. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this Writ Appeal stand closed.



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**THOTTATHIL B. RADHAKRISHNAN, CJ**

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**SMT. T. RAJANI**

**September 19, 2018.**  
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