

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 39687 OF 2018

ORDER:

This Writ Petition is filed questioning the inaction of the respondents in conducting survey and demarcation of boundaries to the petitioner's landed property, admeasuring Ac.1-06 guntas situated in Sy.No.284 of Bilalpur Village, Kohir Mandal, Sangareddy District.

2) It is the case of the petitioner that his father and his two brothers viz., Mallaiah and Bakkaiah are the joint owners of the total land admeasuring Ac.7-07 guntas in Sy.No.284 and Ac.0-04 guntas in Sy.No.397 of Bilalpur Village and during partition of the said property, each got the share of Ac.2-15 guntas. Further, his paternal uncle viz., Bakkaiah had no issues and was bedridden due to ill-health, as such, he sold his property to his father in 1985, thereafter, his father sold out an extent of Ac. 3-24 guntas in Sy.No.284 in favour of Sai Vanasakti Plantations and Orchards Pvt. Ltd., through a Registered Sale Deed bearing Document No.2190 of 1997 and the remaining land in an extent of Ac.1-06 guntas is in their possession. While the things stood thus, when one Narsimhulu and others tried to encroach their land, his father made a complaint in Prajavani vide Complaint No.23180, dated 27.10.2014, but, so far no action has been taken against them. Therefore, they approached the Mandal Revenue Officer several times to conduct survey and fixation of boundaries to their land, but no action has been taken. Again, the petitioner made an application on 25.06.2018 to the 3rd respondent-Revenue Divisional Officer, Zaheerabad Division, by paying the amount of

Rs.295/- in favour of the Mandal Revenue Officer, by way of Challan, for F-Line and sub-division, upon which, he endorsed the same to the Village Revenue Officer/Revenue Inspector to enter and report, but till date, no action has been taken by them. It is the further case of the petitioner that in similar circumstances, this Court had passed the order, dated 20.04.2016, in W.P.No.91 of 2013 and Batch, directing the Mandal Revenue Officers to conduct survey, duly following Circular Rc.No.N2/1741/2010, dated 18.05.2010, issued by the Government, prescribing guidelines, based on Board Standing Order No.34-A and proceeding in D.O.Rc.No.N1/4296/2012, dated 22.08.2012 of the Commissioner, Survey Settlements & Land Records, Andhra Pradesh, Hyderabad. Hence, the Writ Petition.

3) Learned counsel for the petitioner placed reliance on the Order of this Court dated 28.04.2016, in W.P.No.4811 of 2011 and Batch.

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

5) Having considered the respective submissions and the judgment of this Court in W.P.No.4811 of 2011 and Batch, relied on by the petitioner, which was passed in similar circumstances, it is appropriate to extract the result thereof:

“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 25.07.2011 and Circular vide Rc.No.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.”

- 6) In the light of the above, the petitioner shall approach the 3rd respondent, who shall take necessary action, in the light of the Circulars vide Rc.No.N1/1408/07, dated 13.07.2007, Rc.No.N1/6543/99, dated 25.07.2011 and Rc.No.1741/2010, dated 18.05.2010, and also in terms of the judgment of this Court in W.A.No.618 of 2013, by instructing the 4th respondent-Mandal Revenue Officer or Mandal Surveyor to ensure that the survey is conducted with respect to the land of the petitioner and the boundaries are fixed. It is also made clear that the petitioner shall bear the costs that may be payable to the surveyor as well as any other charges, as may be specified in writing.
- 7) With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, the Miscellaneous Applications pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 05.11.2018

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