

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.3480 of 2016

ORDER:

This Writ Petition, under Article 226 of Constitution of India, is filed seeking a direction against the respondent No.3 to consider the representations of the petitioners dated 17.04.2015, 26.09.2015 and 02.01.2016 to conduct survey, fixing boundaries of extent of 600 Sq.yds of site in plot Nos.34 and 35 as per Panchayat layout situated in Sy.No.180 and 181 of Gambhiram Grampanchayat, Anandapuram Mandal, Visakhapatnam District.

The case of the petitioners is that they acquired an extent of 600 Sq.yds in plot Nos.34 & 35 as per Panchayat layout, in Sy.Nos.180 and 181, situated at Gambhiram Gram Panchayat, Anandapuram Mandal, Visakhapatnam District. As per Panchayat Layout, originally the land belongs to one late Gokaraju Raghavamma, who died intestate in the year 2001. The said Raghavamma is paternal grand mother of petitioner No.1 and paternal aunt of the 2nd petitioner. Subsequently, the legal heirs of said Raghavamma by name Vadapalli Vijaya Lakshmi and Vegesina Radhamani executed a registered settlement Deed in favour of the petitioners bequeathing the property. Since then, they are in possession and enjoyment over the property without any interruption by anybody.

Due to recent hike of land prices in the said vicinity, apprehending some land grabbers who are habituated to encroaching the lands, the petitioners made an application to the Tahsildar requesting to conduct survey while agreeing to pay the fee for conducting survey and submitted

necessary xerox copies of the documents along with the application. But so far the authorities did not respond for the request. Therefore, they filed the present writ petition.

Learned Government Pleader for Revenue (AP) filed counter affidavit inter alia contending that while admitting receipt of representation dated 02.01.2016, which was received on 27.01.2016, the petitioners neither submitted the copies of registered documents, nor copy of panchayat approved layout to identify the land to conduct survey. As per the latest instructions, the applicant has to pay an amount of Rs.250/- per each Survey sub-division for F-line and patta sub-division work. But the applicant neither approached the Mee-Seva for applying the F-line work nor paid the amount fixed by the Government, hence their case cannot be considered to conduct survey to their plots against the identical plots bearing Nos.34 and 35. Therefore, it is just and necessary to produce the layout, plan and other documents and the application should be processed through Mee-Seva on payment of costs of Rs.250/- per each Survey sub-division. Since the petitioners did not comply the requirements, the survey could not be conducted.

It is an admitted fact that the petitioners made a representation dated 02.01.2016 requesting to conduct survey and issue challan for payment of fee for conducting survey while agreeing to submit copies of the documents. Unless the application processed through Mee-seva and on payment of Rs.250/- per each subdivision submitting necessary documents to enable the surveyor to identify the property, it is impossible to conduct survey as the petitioner did not comply the requirements as per the latest instructions. Therefore, the action of the

respondent No.3 cannot be declared as illegal as the petitioners themselves did not follow the procedure for conducting survey.

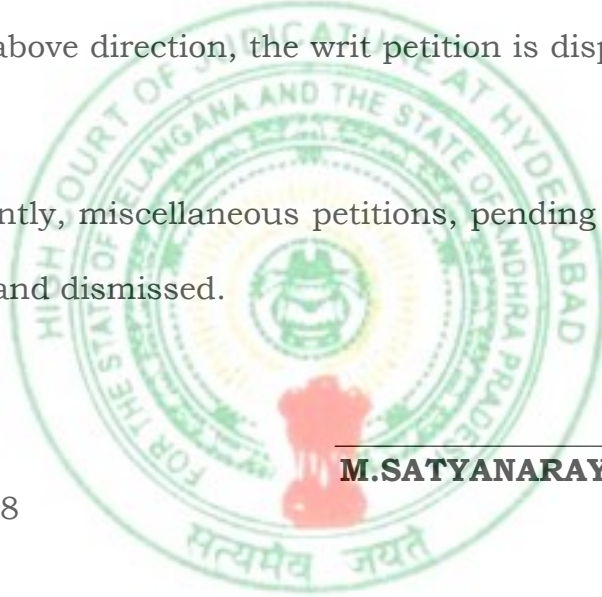
However, the petitioners are entitled to process the application for conducting survey through Mee-seva subject to payment of required fee of Rs.250/- per each Survey sub-division for F-line and patta sub-division work. Therefore, the petitioners are at liberty to make such an application afresh. On such application, respondent No.3 is directed to conduct survey of the land and identify the property and fix the boundaries.

With the above direction, the writ petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions, pending if any, in this writ petition shall stand dismissed.

Date: 18.04.2018
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M.SATYANARAYANA MURTHY, J.



THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



Dt.18.04.2018

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