

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.45959 OF 2018

O R D E R

The case of the petitioners is that they filed application seeking to conduct survey of the subject land in Sy.No.507 of Rajapur village, and the unofficial respondents herein also filed similar application seeking for survey of the part of the land in Sy.No.507. Their grievance is that the 4th respondent – Assistant Director, Survey and Land Records, without giving any notice to them, conducted survey of the land of unofficial respondents and fixed boundaries and based on the same, they are making construction by encroaching the land of the petitioner in Sy.No.507. Aggrieved by the action of the 4th respondent, petitioners filed appeal before the 2nd respondent – Commissioner, Survey and Settlements, on 23.11.2018, for conducting joint survey on the land of the petitioners and the unofficial respondents. As no orders have been passed, the present writ petition is filed.

Heard the learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue, submits that in the appeal filed by the petitioners before the 2nd respondent, they have not impleaded the unofficial respondents herein, who are necessary parties. It is further submitted that petitioners have not filed the appeal in proper form.

Learned counsel for the petitioners submits that under the statute no form is prescribed to file appeal.

Having regard to the facts and circumstances of the case, writ petition is disposed of leaving it open to the petitioners to implead the unofficial respondents herein in the appeal filed by them before the 2nd respondent, and the 2nd respondent, is directed to dispose of the appeal filed by the petitioners on 23.11.2018, in accordance with law, after issuing notice and opportunity of

hearing to the petitioners and the unofficial respondents, and take action accordingly within a period of two months from the date of receipt of a copy of this order.

It is made clear that if the petitioners intend to seek any interim relief in the appeal filed by them before the 2nd respondent, it is open for them to file necessary application and it is for the 2nd respondent to consider the same in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKR REDDY,J

DATE:18—12—2018

AVS

