

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.388 of 2019

ORDER:

1 The petitioner is aggrieved by the letter dated 30.11.2017 of the Tahsildar, Balanagar Mandal, Ranga Reddy District, whereby the Sub-Inspector of Police, Bowenpally Police Station, Secunderabad was informed that pursuant to the request made by him, a survey had been undertaken of Plot No.71 in Sy.No.55/B and 56/B of Old Bowenpally Village, Balanagar Mandal, and a copy of the sketch of the said survey was forwarded to the Sub-Inspector of Police.

2 It is an admitted fact that the petitioner himself approached the Station House Officer, Bowenpally Police Station, on 26.03.2016 with a complaint, which ultimately resulted in registration of Crime No.360 of 2016 on the file of Bowenpally Police Station on 08.11.2016 under Sections 447 and 506 IPC and Section 5 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982. It is in the context of investigation into this crime that the police authorities wrote to the revenue authorities asking for conduct of a survey in relation to the subject plot. It appears that the revenue authorities thereupon undertook a survey but without putting any of the parties on notice. It is the result of this survey, i.e., the sketch which was drawn up by the Mandal Surveyor, Balanagar, which is the cause for grievance presently.

3 Sri K.Amarnath Reddy, learned counsel for the petitioner, would contend that the survey was undertaken by the revenue authorities without putting the petitioner on notice and therefore, it can have no value in the eye of law. Though the learned counsel would place reliance on **Ms. Inaganti Sirisha v. State of Telangana**¹ in support of his contention that such prior notice is mandatory, perusal of the judgment demonstrates that the observations made therein with regard to a survey being conducted behind the back of the affected party were to the effect

¹ 2018(4) ALT 372

that it would not bind such party and could not form the basis of any action for eviction or demolition. As such is not the case presently, the aforestated decision does not further the argument advanced by Sri Amarnath Reddy, learned counsel. The survey undertaken by the revenue authorities in the case on hand was only at the behest of the police authorities and for the purpose of aiding the police investigation. In such a situation, this Court is of the opinion that it would not be necessary for the revenue authorities to follow the procedure of putting all the affected parties on notice and thereafter undertaking a survey. Since the limited purpose served by the survey was to aid the investigation by the police, the revenue authorities were not under any legal duty to invite the participation of the rival parties. Such participation would only be counter-productive and would further complicate the police investigation. However, as the said survey was undertaken by the revenue authorities only for the purpose of the police investigation, the same cannot bind the petitioner or any other party affected thereby as they were not put on notice or allowed to participate in the survey operations. The sketch appended to the letter dated 30.11.2017 of the Tahsildar, Balanagar Mandal, Ranga Reddy District, is therefore not binding either on the petitioner or any other affected party.

4 Making this position clear, the Writ Petition is closed.

5 Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

4th February, 2019
Kvsn

JUSTICE SANJAY KUMAR