

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2350 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, the Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction More particularly one in the nature of Writ of Mandamus, declaring the action of Respondent No.2 in delaying the survey in connection to the RC. No.A1/745/2018 dt 25.01.2019 in respect of the survey in survey numbers 203 & 204 at Wadepally Village Siwar, Ram Nagar, Hanumakonda, Warangal District, illegal, arbitrary, unconstitutional and violative of articles 14 and 15 of Constitution of India and pass just and necessary orders deem fit and proper in the interest of justice and in the circumstances of the writ petition.'

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put the third respondent on notice or afford him an opportunity of hearing.

Perusal of the record reflects that the Assistant Director, Survey and Land Records, Warangal (Urban), himself issued notice dated 25.01.2019 proposing to undertake the survey for fixation of boundaries in the lands in Sy.Nos.203 and 204 of Waddepally Village, Hanamkonda Mandal, on 30.01.2019. The grievance of the petitioner is that no steps are being taken pursuant to the aforestated notice.

Learned Assistant Government Pleader for Revenue, State of Telangana, would inform this Court, on instructions, that a suit is pending in relation to the subject lands between the parties. He however concedes that no interim orders had been passed therein interdicting the revenue authorities from proceeding with the survey.

As the Assistant Director himself issued a notice fixing the date for the survey, it is for him to carry forward the said exercise in accordance with norms.

The writ petition is accordingly disposed of directing the Assistant Director, Survey and Land Records, Warangal (Urban), to take appropriate steps pursuant to his earlier notice and fix a fresh date for carrying out the survey operations. Needless to state, all parties effected thereby should be put on notice so as to participate in the survey operations or raise their objections, if any. This exercise, one way or the other, shall be completed within eight weeks from the date of receipt of a copy of this order, be it from whatever source.

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

JUSTICE SANJAY KUMAR

Date:26.02.2019

PGS