

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

W.P.No.2682 of 2019

ORDER:

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

“To issue an order or direction or writ more particularly one in the nature of writ o mandamus i declaring the action of the action of the 3rd Respondent in not fixing/erecting the boundary stones in respect of the lands admeasuring Ac.5.03 gts and Ac.4.38 gts in Sy.Nos.229 and 236 respectively of Pottapally (K) village Laxmanchanda Mandal, Nirmal District in terms of survey conducted on 4.11.2018 as arbitrary, illegal, unreasonable, non exercise of jurisdiction, violative of provisions of Survey and Boundaries Act and Rules made thereunder and violative of Article 14 and 300-A of Constitution of India and direct the 3rd respondent to fix/erect the boundary stones to the lands in Sy.Nos.229 and 236 of Pottapally (K) village Laxmanchanda Mandal, Nirmal District in the interest of justice”.

2. The learned Government Pleader for Revenue, State of Telangana, would state, on instructions, that the survey was undertaken in the presence of panchas but fixation of the boundary stones could not be done as the required material was not available. He would state that this was the reason why the petitioner was himself advised to fix the boundary stones.

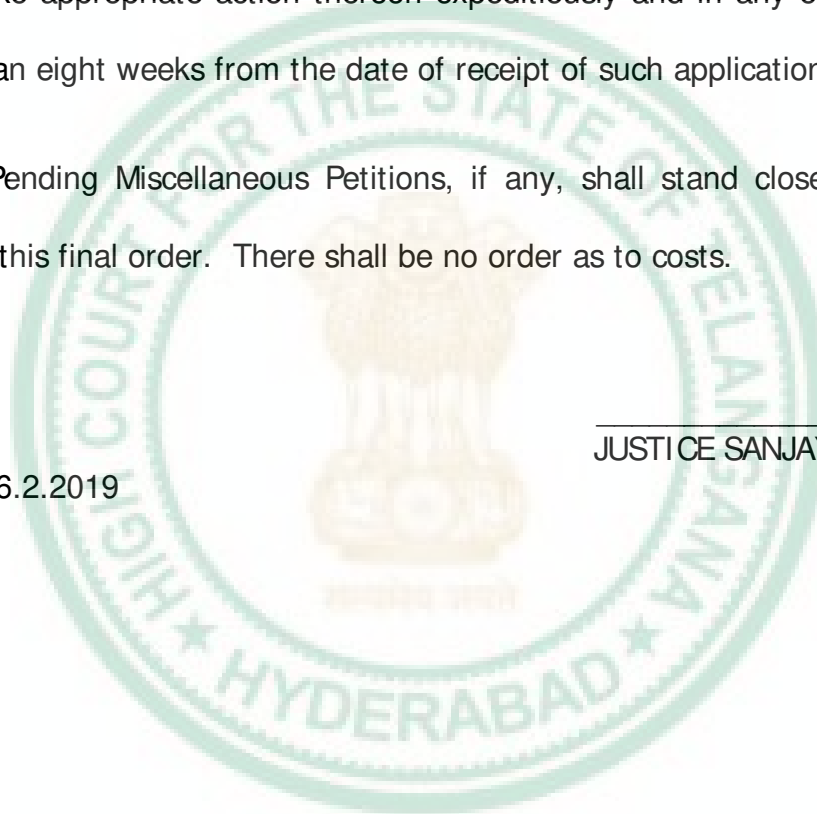
3. In the light of the above statement made by the learned Government Pleader, Sri B.Mahender Reddy, learned counsel for the petitioner, suggests that the petitioner should be allowed to make an application afresh in accordance with due procedure for survey and fixation of boundaries in relation to the subject land upon paying the requisite fee. The learned Government Pleader would state that he has no objection if such an application is made.

4. The Writ Petition is accordingly disposed of permitting the petitioner to file an application afresh in the prescribed format for survey of the subject land and for fixation of boundaries thereon along with requisite fee, duly ensuring that he either pays for the boundary stones or makes the same available during the survey operation, so that the boundary stones can be fixed at that time itself. In the event, the petitioner makes an application as afore-stated, the Tahsildar and the Deputy Inspector of Survey, Nirmal Division, Nirmal District, Telangana shall take appropriate action thereon expeditiously and in any event, not later than eight weeks from the date of receipt of such application.

5. Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

Date: 26.2.2019
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JUSTICE SANJAY KUMAR



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26.2.2019

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