

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5165 of 2014

ORDER:

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

“For the reasons stated in the accompanying affidavit, the petitioner herein prayed that this Honourable Court may be pleased to issue writ or direction preferably a writ of Mandamus declaring the action of the respondents in not handing over the vacant possession of the land total admeasuring Ac.2-32 gts under Sy.No.274 situated at Sangareddy Village and Mandal, Medak District, to the petitioner by removing the Revenue Guest House and Police Quarters as per the directions of the Honble Court in WP.No.5818 of 1980 dated 28.09.1981 and also as per the instructions of the Government from time to time and also in not paying the compensation to the petitioner in lieu of using the subject land unauthorisedly as illegal, arbitrary, unjust, unconstitutional and in violation of principles of natural justice and consequently, direct the respondents to remove unauthorized structures existing in the subject land or to pay compensation to the petitioner in lieu of using the subject land unauthorisedly and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

The husband of the petitioner along with others earlier filed Writ Petition No.5818 of 1980 before the erstwhile High Court for the State of Andhra Pradesh assailing G.O.Ms.No.1050 dated 20.7.1974, whereunder the land admeasuring Acs.2.32 guntas in Survey No.274 of Sangareddy Village was treated as unclaimed property and transferred to the revenue department. By order dated 28.9.1981, the said Writ Petition was allowed quashing G.O.Ms.No.1050 dated 20.7.1974. Pursuant to the said order, the petitioner is now seeking delivery of vacant possession of the land admeasuring Acs.2.32 guntas in Survey No.274 of Sangareddy Village.

It may be noted that as long back as on 23.3.2010 the Tahsildar, Sangareddy Mandal, issued an Urgent Memo referring to the order in Writ Petition No.5818 of 1980 and the representations made by the parties thereto and directed the Mandal Revenue Inspector-I, Sangareddy, to handover possession of the land in Survey No.274 of Sangareddy Village after conducting proper panchanama in the presence of the Joint Director, Agriculture, Sangareddy, in accordance with the Court order. By later endorsement dated 07.6.2012, the Tahsildar, Sangareddy Mandal, informed the petitioner that necessary corrections had been made in the revenue records. He further stated that the Deputy Inspector of Survey, Sangareddy, had surveyed the land bearing Survey No.274 in Sangareddy on 06.01.2011 in the presence of the petitioner and shown her the boundaries. He thereafter referred to the later petition dated 09.01.2012 submitted by the petitioner with regard to the Government Police quarters and Revenue Guest House falling within the land admeasuring Acs.2.32 guntas in Survey No.274 of Sangareddy Village and stated that upon perusal of the survey report, he found that there were no buildings or constructions within the said land. He accordingly informed the petitioner that his office was not competent to handover possession or vacate any structures.

It appears that the Assistant Director, Survey and Land Records, Medak District, got surveyed the land in question and addressed letter dated 15.7.2014 to the Tahsildar, Sangareddy Mandal, stating that in terms of the said survey, the total extent of Acs.2.32 guntas in Survey No.274 of Sangareddy Village had houses

and internal roads but the Revenue Guest House, Police Department Quarters and PWD Quarters were situated in Survey No.564 of Sangareddy Village. The location sketch map appended to this letter indicates that the lands in Survey Nos.274 (Acs.2.32 guntas); Survey No.564/2 (Acs.0.23 guntas); and Survey No.564/3 (Acs.0.22 guntas) of Sangareddy were subjected to these survey operations. It is on the strength of this later survey, that the learned Assistant Government Pleader for Revenue, State of Telangana, would insist that the grievance of the petitioner as to the location of the Guest House and other structures being situated in Survey No.274 of Sangareddy Village cannot be accepted.

It is however pertinent to note that the so-called survey undertaken in July, 2014 was behind the back of the petitioner. When the controversy boils down to whether the structures in dispute are in Survey No.274 or in the sub-divisions of Survey No.564 of Sangareddy Village, it would be sufficient if a proper survey is undertaken in the presence of all parties concerned.

The Writ Petition is accordingly disposed of directing the Regional Joint Director, Survey and Land Records, Narayanaguda, Hyderabad, to undertake a survey of the lands in Survey Nos.274, 564/2 and 564/3 of Sangareddy Village and Mandal, Medak District, in the presence of all the parties concerned. The petitioner shall be given sufficient notice before the proposed survey so that she can make arrangements to be present at the time of survey along with her Advocate and documents. This exercise shall be completed

expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

25th January, 2019

Note:

Registry is directed to issue a copy of this final order only after carrying out necessary corrections in the cause title with regard to the entry of the impleaded respondent No.5 suo motu.

B/o

dr