

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.3288 OF 2019

ORDER:

This writ petition is filed seeking the following relief:

“ ... to issue order or direction more particularly in the nature of Writ of Mandamus declaring the action of respondent Nos.3 to 5 in not conducting comprehensive survey in respect of lands in Sy.Nos.108, 109, 110 and 111 of Madinaguda Village, Serilingampally Mandal, Rangareddy District inspite of the specific request of the petitioner representation dated 09.01.2019 as illegal, arbitrary and against the provisions of Survey and Boundaries Act and consequently direct respondent Nos.3 to 5 to conduct comprehensive survey of above said lands and fix the boundaries thereon in accordance with Survey and Boundaries Act and rules thereunder.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue, appearing for respondent Nos.1 to 5, the learned Standing Counsel for GHMC appearing for respondent Nos.6 and 7, Sri V.Hari Haran, learned counsel for respondent No.8, Sri Vedula Venkata Ramana, learned Senior counsel for respondent No.9 and perused the record.

3. It is the case of the petitioner that he along with one Khaja Fathaulah jointly purchased land to an extent of 4360 square yards out of the total extent admeasuring Acs.5.07 gunts in Sy.No.111 of Madinaguda Village, Serilingampally Mandal, under a registered sale deed *vide* document No.18764 of 2018 dated 13.11.2018 for a valuable consideration. Copy of the said sale deed is filed to substantiate the same.

4. It is contended on behalf of the petitioner that the land in Sy.No.111 is a private land. The Government has no claim over it and even the Government has not made any claim over the

said land. Petitioner made a request to the survey authorities to demarcate the land in Sy.Nos.108, 109, 110 and 111, paid requisite fee and complied all formalities. *In spite* of the same, no survey was conducted in respect of the said land.

4. Learned Senior Counsel would submit that already survey was conducted in respect of lands in Sy.Nos.110 and 111. Moreover, the petitioner has no interest in the land covered by Sy.Nos.108, 109 and 110. Therefore, he cannot seek survey of the lands covered by Sy.Nos.108, 109 and 110.

5. Learned Assistant Government Pleader would submit that certain objections were raised, which are not yet complied with, to consider the petitioner's representation.

6. As per the material placed on record, there is no material to substantiate that certain objections were raised or information is called for, by the survey authorities to conduct survey. Apparently, the petitioner filed representation dated 09.01.2019 wherein a request was made to conduct the survey in respect of the lands in Sy.Nos.108, 109, 110 and 111 of Madinaguda Village, Serilingampally Mandal. It is pertinent to state that the petitioner has substantial interest only in the land covered by Sy.No.111 of Madinaguda Village, Serilingampally Mandal. He has no right or claim over the lands in Sy.Nos.108, 109 and 110. There is no record to establish that the land in Sy.No.111 of Madinaguda Village, Serilingampally Mandal is demarcated by the competent authorities. Further more the petitioner has a

sale deed establishing the purchase of an extent of 4360 square yards of land in Sy.No.111 of Madinaguda Villa, Serilingampally Mandal, along with one Khaja Fathaullah, a direction can be issued to the survey authorities to demarcate the land in Sy.No.111 of Madinaguda Village, Serilingampally Mandal.

7. Under these circumstances, respondent Nos.3 to 5 are directed to conduct survey and demarcate the land in Sy.No.111 of Madinaguda Villa, Serilingampally Mandal within a period of three months from the date of receipt of a copy of this order. It is made clear that if any copy of material/document/information or fee is required for the conduct of survey, a requisition in writing be issued to the petitioner to comply the same. On compliance of the required formalities, the survey has to be conducted within the above stipulated time.

8. With the above directions, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 30.04.2019
ssp