

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

C.C. No. 343 of 2018

ORDER :

This Contempt Case is filed alleging violation of orders of this Court dated 10.04.2017 in W.P.No.1741 of 2017, wherein and whereby this Court disposed of the writ petition in terms of Common Order dated 28.04.2016 in WP Nos.4811 of 2011 & batch, dated 28.04.2016, wherein a direction was issued to the respondent authorities to consider the applications of the petitioners for survey and demarcation of lands after receiving necessary charges, keeping in view the Circulars vide Rc.No.N1/1408/07, dated 13.07.2007, Rc.No.N1/6543/99, dated 25.07.2001 and Circular vide Rc.No.N2/1741/2010, dated 18.05.2010 and also in terms of judgment in WA No.618 of 2013 and also keeping in view the provisions of Sections 89, 89-A and 92 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli.

2. Counter affidavit is filed by the respondent stating that consequent to the orders of this Court in WP No.1741 of 2017, the petitioner was issued notice on 02.05.2017 while enclosing a copy of the order of this Court to the then Tahsildar and the said application was forwarded to the Mandal Surveyor for the purpose of conducting survey. The Mandal Surveyor was directed to conduct survey and demarcation and to prepare a location sketch. Thereafter, the Mandal Surveyor issued notices dated 28.06.2017 vide Notice No.A3/850/2017 and fixed the

survey on 29.06.2017 and also issued notices to the adjacent plot owners. After conducting survey, the Mandal Surveyor had submitted report on 24.07.2017 stating that he had conducted survey in respect of plot Nos.5A in Sy.No.218/A of Malkajgiri village and Mandal and also prepared a local sketch in respect of the subject plot and that the same was communicated to the petitioner by way of registered post on 12.08.2017, but the same was returned on the ground 'left'. The report was subsequently sent to the petitioner as well as his counsel on 21.02.2018, which was received on 23.02.2018, as such, there is no violation of the orders passed by this Court.

3. Reply affidavit is filed by the petitioner denying the averments in the counter.

4. Learned counsel for the petitioner submitted that without issuing notice to the petitioner, survey was conducted by issuing notices to the adjacent plot owners. She further submitted that as per the survey report, the petitioner is in possession of 280 sq.yds only, though he claims 350 sq.yds, as such, the action of the respondent is in violation of the orders passed by this Court.

5. On the other hand, learned Government Pleader for Revenue appearing for respondent submits that this Court while deciding a batch of writ petitions i.e., WP Nos.4811 of 2011 & batch, directed the respondent-authorities to consider the applications of the petitioners for survey and demarcation of lands after receiving necessary charges, keeping in view the Circulars vide Rc.No.N1/1408/07, dated 13-07-2007,

Rc.No.N1/6543/99, dated 25-07-2001 and Circular vide Rc.No.N2/1741/2010, dated 18-05-2010 and also in terms of the judgment in W.A.No.618 of 2013 and also keeping in view the provisions of Sections 89, 89-A and 92 of the Act and take necessary action and communicate the decision to the parties and that it is open for the petitioners to prefer appeal against the said order, if they are aggrieved in terms of circulars referred to above. He further submitted that the 2nd respondent was only directed to conduct survey No.218/1 of Malkajgiri Village and Mandal, but survey was conducted in respect of plot 5-A in Sy.No.218/1 and a copy of the report was communicated to the petitioner. He further submitted that that even as per the Common Orders in WP Nos.4811 of 2011, if the petitioner is aggrieved by the report of the Mandal Surveyor, he can prefer appeal before the Deputy Survey Inspector, Office of the Revenue Divisional Officer, as such, there is no violation of orders passed by this Court by the 2nd respondent.

6. In this case, it is to be seen that the 2nd respondent directed the Mandal Surveyor vide proceedings dated 20.06.2017 to conduct survey in Sy.No.218/1 of Malkajgiri Village & Mandal in terms of the judgment in WP Nos.4811 of 2011 & batch. It appears that survey is conducted in respect of plot No.5A in Sy.No.218/1 to an extent of 350 sq.yds. The Surveyor, who conducted the survey is not before this Court. Moreover, the validity of the report submitted by the Mandal Surveyor dated 24.07.2017 cannot be gone into in this Contempt Case.

7. In view of above facts and circumstances, I do not see any willful violation of the orders passed by this Court. However, it is open for the petitioner to challenge the report of the Surveyor dated 24.07.2017, if he is so advised, before the Deputy Survey Inspector, Office of the Revenue Divisional Office.

Accordingly, this Contempt Case is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

03.04.2019
kvs

A.RAJASHEKER REDDY, J



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Date: 03-04-2019

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