

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11038 of 2019

ORDER:

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

'For the reasons stated in the accompanying affidavit, the petitioners herein pray the Hon'ble Court may be pleased to issue a writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents, particularly the 2nd respondent herein in not conducting survey and demarcation of the land under sy.no. 202/E, situated at Arsapally Shivar, Nizamabad Mandal and District, on the application of the petitioner dated 18.04.2019 is illegal, arbitrary, unjust and violation of principles of natural justice and against the provisions of AP Survey and Boundaries Act, 1923, and the Rules made thereunder, and consequently direct the 2nd respondent to conduct survey and demarcation and fix boundary stones surrounding the land admeasuring Ac.0-28 Gts., under sy.no.202/E situated at Arsapally Shivar, Nizamabad Mandal and District, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

Perusal of the record reflects that though the petitioner submitted the requisite amount under Treasury Challan dated 18.04.2019, he made a representation for survey of his land admeasuring Ac.0.28 guntas in Survey No.202/E of Arsapally Shivar, Nizamabad Mandal and District, to the Assistant Director, Survey and Land Records, Nizamabad District.

Learned Assistant Government Pleader for Revenue, State of Telangana, would point out that the survey in question would have to be undertaken by the Tahsildar concerned with the assistance of the Mandal Surveyor.

As the petitioner did not approach the aforestated authorities and the writ petition was filed without impleading them, no positive direction can be issued to the said authorities to act upon the request of the petitioner.

The writ petition is accordingly disposed of permitting the petitioner to submit a representation to the Tahsildar concerned along with a copy of the Treasury Challan dated 18.04.2019 requesting the said authority to undertake survey of the land in question. In the event such a representation is made, the Tahsildar concerned shall take appropriate action thereon in accordance with law and due procedure expeditiously.

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

JUSTICE SANJAY KUMAR

Date:07.06.2019

GJ

