

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18997 of 2019

ORDER:

There is a boundary dispute between the petitioners and one Sri V. Pullaiah on account of non-marking and non-fixing of boundaries to the land in Sy.Nos.164/A/1 and 164/A/2, situated at Ambatpally Village, Lingala Mandal, Nagarkurnool District. The petitioners made an application dt.22.07.2019 by paying the requisite fee to respondent No.3 – Tahsildar, Lingala Mandal, Nagarkurnool District, seeking survey and demarcation of boundaries of the land in Sy.Nos.164/A/1 and 164/A/2, of an extent of Acs.5.20 guntas, situated at Ambatpally Village, Lingala Mandal, Nagarkurnool District. In spite of the same, the respondent authorities are not taking any action. Hence, the present writ petition.

Learned counsel for the petitioners contends that though the petitioners made an application dt.22.07.2019 by paying the requisite fee to respondent No.3 to survey and demarcate the boundaries of the subject land in Sy.Nos.164/A/1 and 164/A/2, no action is taken by the respondent authorities.

The learned Assistant Government Pleader for Revenue appearing for the respondents submits that it is not possible to survey part of the land and, at any rate, in these kind of cases, the petitioners have to approach the Civil Court to

ascertain their rights and thereafter only, such a request of the petitioners can be considered in accordance with law.

Having heard the submissions made by the learned counsel for the respective parties, it is not in dispute that the petitioners have a right to seek for survey and demarcation of boundaries of the land in Sy.Nos.164/A/1 and 164/A/2, of an extent of Acs.5.20 guntas, situated at Ambatpally Village, Lingala Mandal, Nagarkurnool District, on their showing ownership and title in respect of the said lands. This aspect of the matter is settled by a well considered judgment dt.28.04.2016 of this Court in W.P.No.4811 of 2011 and batch.

Therefore, the respondent authorities cannot refuse to consider the request of the petitioners, subject to the petitioners complying with the procedural formalities as required under law by paying the requisite fee. If the respondent authorities have any objection for survey and demarcation of the subject land, they can as well respond to the request of the petitioners clearly indicating the reasons therefor.

Accordingly, this writ petition is disposed of directing the 3rd respondent - Tahsildar, Lingala Mandal, Nagarkurnool District, to take appropriate action on the representation dt.22.07.2019 of the petitioners for survey and demarcation

of the subject land expeditiously and, in any event, not later than four weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

03.09.2019.
Msr



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