

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19438 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the 2nd and 3rd respondents in not conducting survey pursuant to the applications submitted by the petitioners dated 18.07.2019 in relation to an extent of Ac.0-17 Gts. in Sy.No.247/KA of the 1st petitioner and to an extent of Ac-0-09 ½ Gts. in respect of Sy.No.247/A AM of the 2nd petitioner and further direct the respondents to conduct survey of the property to an extent of Ac.0-17 Gts. in Sy.No. 247/KA of the 1st petitioner and to an extent of Ac.0-09 ½ Gts. in respect of Sy.No.247/A, AM of the 2nd petitioner by duly taking into account of the Sale Deed Doc No 1238/2001 dated 11.5.2001 of the 1st petitioner and Sale Deed Doc No 1088/1997 dated 23.4.1997 of the wife of the 2nd petitioner and also the link document Exchange Deed Doc.No.2631/1990, dated 29.10.1990 and also Doc No 3447/1989, dated 13.11.1989 standing in the name of the vendor of the 2nd petitioner.”

2. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for the respondents.

3. Learned counsel for the petitioners as well as learned Government Pleader for Revenue, in one voice, submit across the Bar that the issue involved in this Writ Petition is squarely covered by the order dated 28.04.2016 in Writ Petition No. 4811 of 2011, operative portion of which reads as under:

“In view of the above facts and circumstances, the Writ Petitions are disposed of directing 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. It is open for the petitioners to prefer appeal against the said order, if they are aggrieved in terms of circulars referred to above.”

4. In view of the above submission, this Writ Petition is also disposed of directing the respondent authorities to consider the Applications of the petitioners for survey and demarcation of lands, after receiving necessary charges therefor, keeping in view the circulars and the provisions of the Act, as stated in the order dated 28.04.2016 in Writ Petition No. 4811 of 2011 and batch. No costs.

Consequently, the miscellaneous Applications, if any stand closed.

CHALLA KODANDA RAM, J

SEPTEMBER 11, 2019

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Date:11.09.2019

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