

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19348 of 2019

ORDER:

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

“to declare the action of the respondents in not conducting the survey and fixing the boundaries to the petitioner land in Sy.No.276/J7, an extent of Ac.3-00 situated at Chinthalapalem Village, Chinthalapalem Mandal, Suryapet District (Nalgonda), is illegal, arbitrary, contrary to the provisions of Survey and Boundaries Act and rules thereunder and as well as violation of fundamental rights guaranteed under the constitution of India.”

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

3. The grievance of the petitioner is that she is the owner and possessor of the subject land. She was also issued pattadar passbooks and titles in respect of the subject property. While so, when the neighbouring land owners are disturbing the boundary walls of the petitioner's land, she made a representation for survey and fixation of boundaries. But, till date the respondent authorities have not passed any orders on the said application.

4. Learned counsel for the petitioner 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.”

5. In view of the above submission, this Writ Petition is also disposed of directing the respondent authorities to consider the Application of the petitioner for survey and demarcation of subject land, 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.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

SEPTEMBER 11, 2019

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Date:11.09.2019

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