

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23848 of 2019

ORDER:

In this writ petition, grievance of the petitioners is that respondent No.2-District Collector, Mahabubnagar is not considering their representation/objection petition dated 17.06.2017.

Today, learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 placed before this Court the Award dated 19.10.2018 passed by respondent No.2.

In view of the above, the relief claimed in this writ petition cannot be granted in favour of the petitioners.

In those circumstances, the writ petition is closed leaving it open to the petitioners to challenge the Award dated 19.10.2018, if they are so advised.

Miscellaneous applications, if any pending, shall also stand closed. No costs.

CHALLA KODANDA RAM, J

Dt:01.11.2019

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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19726 of 2019

ORDER:

In this writ petition, petitioner challenges the Memo, dated 16.08.2019, issued by respondent No.4-Tahsildar, Abdullapurmet Mandal, Ranga Reddy District.

Petitioner asserts that he purchased land admeasuring Ac.0.20 guntas in Survey No.49 Part, situated at Pasumamula Village, Abdulpurmet Mandal, Ranga Reddy District through registered sale deed, dated 12.02.2014; that he was issued pattadar pass book; that he filed a F-line Application way back on 14.05.2018 for the purpose of undertaking survey and fixing of boundaries in the subject land; that as no steps have been taken thereon, he filed W.P.No.4063 of 2019, wherein, this Court by order, dated 27.02.2019, directed respondent No.4 to take necessary action on the F-line Application; that as the said order was not implemented,

he filed C.C.No.955 of 2019, wherein this Court ordered notice to the respondents therein; that in the interregnum period, the petitioner was issued the impugned notice stating that the survey could not be conducted on account of the fact that he is not in physical possession on the ground. Impugned Memo reads as under:

Today, learned Government Pleader for Revenue placed before this Court the letter, dated 03.08.2019, addressed by the Licenced Surveyor, Abdullapurmet Mandal to respondent No.4 along with Panchanama and location sketch.

A perusal of the letter dated 03.08.2019 discloses that the land of the petitioner is forming part of Survey No.430 and not Survey No.49 and that the land in Survey No.430 is covered by a compound wall. It may be noted that in the Panchama, the signature of the petitioner is not affixed. Assuming for argument sake, the land of the petitioner is in Survey No.430, inasmuch as the petitioner seeks survey and demarcation of the land in Survey No.49, over which there is no dispute with regard to the prima facie right of the petitioner, which is evident from the pattadar pass book issued to him, there is duty cast on the surveying authorities to identify the land in Survey No.49 Part and demarcate the same rather than rejecting the claim of the petitioner that as the land shown by him is not in Survey No.49 Part. Viewed from that angle, the impugned Memo is liable to be set aside.

In those circumstances, the writ petition is allowed and the impugned Memo is set aside. The respondents are directed to

conduct survey, identify the land in Survey No.49 Part and demarcate the same.

Miscellaneous applications, if any pending, shall also stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:13.09.2019

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