

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26532 OF 2019

Date:02.12.2019

Between:

K. Narender Reddy, S/o. K. Ram Reddy,
Aged about 62 years, Occ: Retd. Employee,
R/o.Plot No.38 and 39, Tirumala Enclave,
Old Alwal, Secunderabad, Telangana
State and another

.. Petitioners

And

State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.26532 OF 2019****ORDER:**

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

2. Petitioners claim that they are the owners and in possession of lands admeasuring Acs.4.15 guntas and Acs.2.08 guntas in Survey No.600, respectively, situated at Devaryamjal Village, Shameerpet Mandal, Medchal – Malkajgiri District. They allege that there is a threat of encroachment by the neighbours and in order to resolve the same, they applied for conducting of survey. The first application was made on 16.02.2019 in the name of the 2nd petitioner and the second application was made on 09.03.2019 in the name of the 1st petitioner. This Writ Petition is filed alleging that in spite of making applications to conduct survey and demarcate the boundaries of the subject lands, so far no steps are taken and the same is arbitrary and discriminatory.

3. In the Writ Petition material paper book, petitioners enclosed the applications made on 16.02.2019 and 09.03.2019 and the receipt generated by Mee-Seva as Ex.P1 from page Nos.12 to 16. This refers to the status of the application as rejected and in the remarks column it is written that plot cannot be demarcated as it does not have subdivision records. In other others, the application for conducting of survey made on 09.03.2019 stood rejected. Merely because another application made by the 2nd petitioner earlier to the application of the 1st petitioner is stated to be

pending is no ground to allege that the request of the petitioners was not considered.

4. However, against the decision of the Tahsildar, remedy of appeal is available to the petitioners before the Revenue Divisional Officer. Without availing the said remedy, the petitioners filed this Writ Petition.

5. In the representation made by the petitioners to the Commissioner, Hyderabad Metropolitan Development Authority (HMDA), there is no whisper about conducting of survey, but only stated that the petitioners made application and some third parties are trying to grab their lands. The Writ Petition affidavit is silent and the representation made to the Commissioner, HMDA, would disclose that the third parties are trying to encroach into the lands of the petitioners. If that is so, civil law remedy has to be availed by the petitioners.

6. The Writ Petition is accordingly dismissed leaving it open to the petitioners to work out their remedies as available in law. Miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

Date:02.12.2019

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