

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27911 OF 2019

Dated:17.12.2019

Between:

Dr. Mubeen Sultana, D/o. Late Syed
Sikander, Age 31 years, Occ: Doctor,
and another

.. Petitioners

And

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

.. Respondents



This Court made the following:

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ORDER:

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

2. Petitioners claim that they have succeeded to land to an extent of Ac.0.20 guntas in Survey Nos.37/1, 38 and 40 of Miyapur Village, Serilingampally Mandal, Ranga Reddy District consequent to death of their father and mother. The joint property was partitioned and a partition deed was executed on 12.01.1988, wherein the said extent of land has fallen to the share of the petitioners. Alleging that certain complications are created by the family members and neighbours, the 1st petitioner claimed to have applied for conducting of survey. On the application for conducting of survey, notice was issued by Tahsildar, Serilingampally Mandal, on 08.04.2018 proposing to conduct survey on 20.04.2018. It appears, certain objections were raised in respect of conducting of survey and therefore refusal letter was furnished to the petitioners informing that survey cannot be conducted but the reason for refusal was not placed on record. However, from the representation dated 19.09.2018, it is apparent that against the refusal letter, petitioners requested the District Collector to intervene in the matter and direct to conduct survey, ignoring the objections filed against conducting of survey. Thus, there was a refusal against conducting of survey and the reasons for refusal cannot be gone into in the absence of challenge.

3. Be that as it may, hierarchy of officers is created on the issues concerning the conducting of survey of land. The initial authority is Tahsildar, who orders conducting of survey by the Mandal Surveyor working under him. If the petitioners are not convinced by the report of the Tahsildar or the decision taken by him, the remedy of appeal is before the Revenue Divisional Officer and further remedies are available before higher authorities. However, petitioners have not availed the remedy of appeal, but made representation to the District Collector. In survey matters, the District Collector has no role. Therefore, the submission of representation to the District Collector itself is not valid and therefore no direction as sought for can be issued.

4. The Writ Petition is accordingly dismissed granting liberty to the petitioners to work out their remedies in accordance with law on the issue of conducting of survey. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:17.12.2019

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