

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28673 OF 2019

Date: 26.12.2019

Between:

Kancharla Savithramma, w/o. Madhusudhan Reddy,
Aged 54 years, occu: Agriculture, r/o. 3-91,
Huzurnagar (T&M), Suryapet District, T.S. and another.

.....Petitioners

and

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

.....Respondents



The Court made the following:

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ORDER:

Petitioners claim that they succeeded the property from the 1st petitioner's mother to an extent of Acs.9.00 guntas in Sy.No.828/4 of Huzurnagar Revenue Village and Mandal in Suryapet district. Petitioners claim that boundaries of the land are not determined and therefore they are unable to find the entire extent of land in their possession and enjoyment. Thus, petitioners have applied for conducting of survey. In response, survey notice was issued on 03.12.2019 to conduct survey on 09.12.2019. Petitioners allege that the survey notice was issued to 41 persons, many of whom are not the land owners in the immediate adjoining survey numbers. According to the learned counsel for petitioners, all those persons are not necessary when petitioners are asking to conduct survey in Sy.No.828/4 and demarcate the land owned by them, and only the neighbouring land owners to their land are alone entitled to be put on notice to conduct survey, but not to all the owners of the entire extent of land in Sy.No.828. Because of the widening scope of conducting survey in this manner, it is causing delay in conducting survey as many persons have not received the notice proposing to conduct survey and were not physically present. On account of this exercise and consequent delay in conducting survey, grave prejudice is caused to the petitioners. Hence, this Writ Petition.

2. In other words, learned counsel for petitioners contends that as request of petitioners was only to demarcate their extent of land in Sy.No.828/4, the question of widening the scope of conducting survey does not survive.

3. It is not in dispute that extent of land claimed by petitioners is part and parcel of Sy.No.828/4. As boundaries of the petitioners' land are not determined, they made representation to fix the boundaries and demarcate their claimed extent of land. As petitioners are not sure of their boundaries, they applied to demarcate and fix boundaries of their extent of land. Though extent of land claimed by the petitioners is Acs.9.00 guntas, whether petitioners are actually in possession of land to an extent of Ac.9.00 guntas is an issue yet to be decided. The determination of Ac.9.00 guntas of land by fixing boundaries can be effectively undertaken only if survey of the entire extent of land in Sy.No.828 is conducted and land in the adjoining survey numbers/sub-division numbers is identified. Many times it is possible that extent of land mentioned in the revenue records/deeds of conveyance do not match with physical possession. Therefore, in isolation the determination of boundaries of petitioners land, claiming that petitioners are the owners of Acs.9.00 guntas of land, may have an adverse impact on the other land owners. No such exercise can be undertaken which may impact neighbours claim without their participation. Thus, I do not see any error in the decision of Deputy Inspector of Survey in issuing notice to all the land owners in Sy.No.828. Only such comprehensive survey would mitigate the hardship of the land owners and would avoid further litigation. Writ Petition is accordingly dismissed, leaving it open to petitioners to work out their remedies as available in law. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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