

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.46508 of 2018

ORDER:

The prayer of the petitioners in this case reads as under:

“For the reasons stated in the affidavit accompanying, this Hon’ble court may be pleased to issue a Writ, Order, or Direction, more particularly one in the nature of Writ of *Mandamus* declaring the proposed action of respondent Nos.1 to 5 in conducting survey and demarcation of land in Survey No.194/8/1 upon the application of respondent No.6, in spite of the fact that respondent Nos.1 to 5 refused to conduct survey upon the application of the General Power of Attorney holder of respondent No.6 and his family members, as being illegal, arbitrary, violative of principles of natural justice and pass such order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The grievance of the petitioners appears to be with regard to the notice dated 20.11.2018 issued by the Tahsildar, Balanagar Mandal, Medchal-Malkajgiri District, proposing to demarcate the land in Survey No.194/8/1 situated at Begumpet of Balanagar Mandal, Medchal-Malkajgiri District, on 26.11.2018.

Sri A.Najeeb Khan, learned counsel for the petitioners, would fairly concede that it would be within the power of the Mandal Surveyor, Balanagar Mandal, Medchal-Malkajgiri District to undertake the survey as proposed under the notice dated 20.11.2018, but he would assert that as the earlier application for such survey made by the General Power of Attorney holder of respondent No.6 was rejected, the revenue authorities ought not to have accepted the later request made by respondent No.6.

However, once it is conceded that it would be within the power of the revenue authorities to undertake demarcation of the

land in a particular survey number, it would be wholly premature for this Court to entertain this Writ Petition so as to adjudicate upon the possible disputes and differences that may arise between the petitioners and the unofficial respondents. That cause of action is yet to arise. That being so, this Court finds no ground to entertain this Writ Petition. It would be open to the revenue authorities to issue a fresh notice fixing a date for undertaking the demarcation of the land in Survey No.194/8/1 situated at Begumpet of Balanagar Mandal, Medchal-Malkajgiri District, as this Court is informed that the demarcation proposed to be undertaken on 26.11.2018 failed due to the objections raised by the rival parties. It would also be open to the petitioners to make a representation in relation to their claim before the revenue authorities during the said survey.

Subject to the above observations, the Writ Petition is dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

02nd January, 2019
DR