

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.977 OF 2020

O R D E R

The 4th respondent – Tahsildar, Balapur Mandal, conducted survey and demarcated the subject lands, and vide the impugned proceedings No.B/1587/2019 dated 02.01.2020 held that there is no cart track in the land belonging to the Department of Customs on the western side of land in Sy.No.240 of Mamidipally village, and the disputed cart track is falling in Sy.No.248, which is a patta land and the same is identified by the Mandal Surveyor. Aggrieved by the said proceedings, and contending that the cart track exists in Sy.No.240, the present writ petition is filed.

Heard Sri D. Prakash Reddy, learned Senior Counsel, appearing for the petitioners, Sri N.Praveen Kumar, appearing for 5th respondent – Municipality, Sri N.Rajeshwar Rao, learned Assistant Solicitor General for respondent No.6 and Sri B.Narasimha Sharma, learned Standing Counsel for the 7th respondent – Central Excise.

Learned Assistant Government Pleader for Revenue, appearing for respondents 1 to 4, submits that if the petitioners are aggrieved by the survey and demarcation vide the impugned proceedings dated 02.01.2020; as per circular issued by the office of the Special Commissioner and Director, Survey Settlements and Land Records, A.P., Hyderabad in Rc.No.N1/6543/99 dated 25.07.2001, as adapted by the Government of Telangana, they have to file appeal as per Clause 4(ii) of the said circular, and hence the petitioners may be relegated to avail the said remedy.

Learned Senior Counsel appearing for the petitioners has not seriously disputed the appeal provision under the circular dated 25.07.2001, but states that before conducting survey and demarcation,

no opportunity was given to the petitioners, and hence the same is in violation of principles of natural justice.

It is to be seen that whether the cart track exists in the Government land in Sy.240 of Mamidipally village, on the western side of the said land, or it exists in the private patta land in Sy.No.248 of the said village, is a disputed question of fact, which this court, under the writ jurisdiction, cannot go into.

Sub-clause (ii) of Clause 4 of the circular dated 25.07.2001 provides as under:

“Aggrieved by the proceedings of the Mandal Surveyor, parties may file first appeal if so desired before the Revenue Divisional Officers for the demarcation by the Deputy Inspector of Survey of the concerned Revenue Divisional Officer shall entertain the first appeal only and the Deputy Inspector of Survey shall conduct the demarcation after approval in writing by the Revenue Divisional Officer concerned.”

In view of the above clause in the circular dated 25.07.2001, writ petition is disposed of leaving it open to the petitioners to avail the said appellate remedy.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:10—01—2020

Note:
Issue C.C. in two days.

B/O
AVS