THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.1478 OF 2020

O R D E R

The case of the petitioner is that the subject property admeasuring Ac.0.08 gts. in Sy.No.190 and Ac.0.10 gts. in Sy.No.195, totally admeasuring Acs.0.18 gts. situated at Chinnaravulapally village, Gram Panchyath Bhattugudem, Bibinagar Mandal, Yadadri Bhongir Revenue, formerly in Nalgonda District, belongs to one Smt. Ambati Suguna w/o late A.Narasimha Reddy, and her name was also mutated in the revenue records, and he purchased the subject property from the said vendor under registered sale deed bearing document No.1037/2018 dated 08.02.2018, and after obtaining permission from the Battugudem Gram Panchayat vide order No. GPB/14/2018 dated 26.07.2018, constructed the building, in accordance with the sanctioned plan, and let out the portions on rent. Now the grievance of the petitioner is that at the instance of local politicians, who are inimical to him, the 3rd respondent – Mandal Surveyor, issued the impugned undated notices in file No.B/92/2020 for conducting survey and for fixing the boundaries. The case of the petitioner is that 3rd respondent has no jurisdiction to issue the impugned notices for conducing survey and fixing the boundaries, that too when the petitioner has already made construction in the subject land in accordance with the sanctioned plan and hence the impugned notice is illegal and arbitrary.

Learned Assistant Government Pleader for Revenue, produced written instructions of the 2nd respondent – Tahsildar, Bibinagar, Yadadri Bhongir District dated 10.02.2020. In the written instructions it is stated that the pattadars of Sy.No.190 and 195 of Chinnaravulapally village have donated the land to Zilla Parishad High School, Battugudem H/o Chinnaravulapally village, to an extent of Acs.3.14 gts. including ceiling surplus assigned land, and in the said extent, in the enjoyers column the name of Zilla Parishad High School Battuduem H/o Chinnaravulapally village of Bibinagar mandal, recorded. It is stated that in view of registered sale deed dated 08.02.2018 in document No.1037/2018, petitioner made application under Section 6-A of the Act for mutation of his name in the revenue records, and in pursuance of the said application, the Village Revenue Officer, Chinnaravulapally and Mandal Girdavar, Bibinagar, instructed to submit field report, and on field verification, as there are no proper boundaries, the petitioner requested to conduct survey and demarcate the land in Sy.Nos.190 and 195 of Chinnaravulapally village of Bibinagar Mandal. It is stated that the MPTC of Chinnaravulpally and Sarpanch of Battugudem village, also made representation to conduct survey and demarcation and to fix boundaries of Sy.No.190 and 195 of Chinnaravulapally village of Bibinagar mandal. It is further stated that the Tahsildar, Bibinagar has instructed the Mandal Surveyor to conduct the survey, demarcate and to fix up the boundaries of the land in Sy.No.190 and 195 of Chinnaravulapally village of Bibinagar mandal, by duly issuing the notices to the pattedars/owners of Sy.No.190 and 195 and also surrounding survey numbers. In pursuance of the said instructions, the 3rd respondent issued impugned notices for conducting survey and demarcation, but the survey could not be conducted, and in the meanwhile, the petitioner has approached this court.

Learned counsel for the petitioner submits that before coming to the conclusion for conducting survey and demarcation of the subject land, no notice has been issued to the petitioner. He submits that petitioner after obtaining necessary permission from the Gram Panchayat, got constructed the building in accordance with the sanctioned plan and let out the building on rents. He submits that at the instance of local politicians, who are inimical to the petitioner, the impugned notice has been issued to the petitioner for conducting survey and demarcation.

Learned Assistant Government Pleader for Revenue, based on the written instructions, submits that petitioner filed application under Form 6-A for mutation of his name in the revenuer records and to implement his name, field report was called for. In the report submitted, as there are no proper boundaries, and as the petitioner also sought to conduct survey, impugned notice was issued and hence no exception can be taken and moreover, it is only a notice and petitioner can participate and raise his objections.

In view of the above facts and circumstances, the 2nd respondent is directed to issue fresh notice to the petitioner before conducting survey and it is open to the petitioner to participate and raise his objections, if any, and thereupon, the 2nd respondent to take further action in accordance with law.

Writ petition is disposed of accordingly. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:14—02—2020

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