

**HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
HONOURABLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION NO.4408 OF 2019

ORDER

(Per Honourable Sri Justice M.S.Ramachandra Rao)

Heard Sri K.S. Murthy, counsel for the petitioner, Sri Sarath Kumar, Special Government Pleader for respondents 1 to 5, Sri S.Niranjan Reddy, Senior counsel appearing for Sri Naresh Reddy Chinnola, counsel for the 6th respondent, and Sri M.V.S.Suresh Kumar, Senior counsel appearing for Sri Ch.Sashi Bhushan, counsel for the impleaded 7th respondent.

2. The dispute in this Writ Petition lies in a narrow compass.
3. The petitioner claims to be the absolute owner and possessor of a land in Sy.No.80 of Hafeezpet Villaage, Serilingampally Mandal, Ranga Reddy District. The southern boundary of the said land, according to the petitioner, is the village boundary of Kondapur Village.
4. The 6th respondent claims to be the owner of some extent of land in Sy.No.97 of Kondapur Village, while the impleaded 7th respondent claims to be the owner of another parcel of land also in Sy.No.97 of Kondapur Village.
5. The petitioner had approached the Regional Deputy Director, Survey and Land Records, Telangana State, Hyderabad (3rd respondent)

for survey and demarcation operation of the land claimed by the petitioner.

6. A survey was then conducted by the said Officer which was objected to by the 6th respondent through representations dt.11.02.2019 and 15.12.2019.

7. The issue was then taken up by the Joint Director, Survey Settlements and Land Records, Telangana State, Hyderabad (2nd respondent) who was of the opinion firstly that there was a Circular issued on 25.07.2001 that survey applications should not be entertained bypassing the hierarchy of Survey Officers and that the petitioner should have first approached the Assistant Director, Survey and Land Records, Ranga Reddy District instead of the Regional Deputy Director. He also stated that the Regional Deputy Director did not issue notice to other affected persons in Kondapur Village and acted in violation of the principles of natural justice.

8. Therefore, he passed the impugned order on 23.02.2019 keeping the survey done by the Regional Deputy Director in abeyance and directing the Assistant Director, Ranga Reddy District to conduct demarcation and survey of the land sought by the petitioner.

9. Assailing the same, this Writ Petition is filed.

10. Counsel for the petitioner contends that the impugned order dt.23.02.2019 has been passed by the 2nd respondent without any notice

to the petitioner and the 2nd respondent had no jurisdiction to pass the impugned order and direct the Assistant Director to take up fresh survey.

11. The fact that the petitioner was not given any notice before the impugned order was passed by the 2nd respondent is not disputed by the Special Government Pleader appearing for respondents 1 to 5.

12. According to the Special Government Pleader, the State is entitled to land in Hafeezpet Village and that the said Village is part of the schedule of properties in C.S.No.14 of 1958 which is pending before this Court.

13. No doubt, Hafeezpet Village is mentioned in Schedule IV of the preliminary decree dt.28.06.1963 in C.S.No.14 of 1958 passed in favour of certain private parties.

14. The State sought to challenge the same in OSA (SR) No.3526 of 2000 before a Division Bench of this Court along with an Application for condonation of delay of more than 38 years in challenging the said preliminary decree.

15. The delay was not condoned by the Division Bench of this Court and the OSASR was dismissed on 07.02.2001 by the Division Bench of this Court.

16. SLP (Civil) Nos.10622-10623 of 2001 filed against the said order dt.07.02.2001 in OSA (SR) No.3526 of 2000 were also dismissed on 16.07.2001.

17. Thus, the State's claim to the lands covered by the preliminary decree in C.S.No.14 of 1958 including Hafeezpet Village has failed and at this point of time, it is not open to the State of Telangana to set up any claim to the land in Hafeezpet Village.

18. Coming to the claims of respondents 6 and 7, their claim is to the land in Survey No.97 of Kondapur Village, but not to the land in Hafeezpet Village. They contend that under the guise of the survey, the petitioner might attempt to grab their land in Sy.No.97 of Kondapur Village.

19. Keeping in mind all these submissions, we are of the opinion that there is a necessity to survey and demarcate the land in Sy.No.80 of Hafeezpet and Sy.Nos.87 and 97 of Kondapur Village which is said to be the southern boundary of the land claimed by the petitioner.

20. Since this necessitates a survey of two different Villages, we are of the opinion that the Assistant Director of Survey and Land Records, Ranga Reddy District would not be in a position to do the same, since he is a Junior level Officer.

21. Further, since the Regional Deputy Director is alleged to have conducted the earlier survey at the instance of the petitioner without

giving notice to respondents 6 and 7, to the extent the impugned order is kept the said survey in abeyance, one cannot find fault with it.

22. However, under Section 92 of the Telangana Area Land Revenue Act, 1317 Fasli, disputes about Field boundaries are required to be decided by Collector on the basis of entries in Village records.

23. In these circumstances, we are of the opinion that instead of the Assistant Director of Survey and Land Records, Ranga Reddy District conducting the survey, it would be better that the District Collector, Ranga Reddy District gets the survey conducted under his supervision after issuing notice to the Writ Petitioner, respondents 6 and 7 and all persons who are likely to be affected by the said survey either in Sy.No.80 of Hafeezpet Village or Sy.Nos.87 and 97 of Kondapur Village.

24. Therefore, the Writ Petition is allowed; the impugned order dt.23.02.2019 passed by the 2nd respondent is set aside; and the District Collector, Ranga Reddy District is directed to get a survey done under his supervision for demarcation of Sy.No.80 of Hafeezpet Village, Sy. Nos.87 and 97 of Kondapur Village with reference to revenue and survey records available under his control within three (3) months from the date of receipt of a copy of this order. It is open to the petitioner, 6th respondent, 7th respondent and any person to whom notice of survey is issued at the instance of the District Collector, Ranga Reddy District to

place whatever material they have in their possession before the Authority conducting the survey.

25. Copy of this order be communicated to the District Collector, Ranga Reddy District.

26. Pending miscellaneous petitions in this Writ Petition, if any, shall stand closed. No costs.

M.S.RAMACHANDRA RAO, J

T.AMARNATH GOUD, J

19th FEBRUARY, 2020

**Note: Communicate a copy of this order to the
District Collector, Ranga Reddy District.
B/o Svv**

