

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 11841 OF 2020

Between:

Mahadev Rathi, S/o Brij Mohan Rathi, aged about 30 years R/o. 2nd Floor, Sri Sai Queens Stole Palace, (H.No. 5-9-162), Basheerbagh, Hyderabad TS.

...PETITIONER

AND

1. The State of Telangana, Rep. by Principal Secretary, Revenue Department, Secretariat, Hyderabad
2. Director, Survey and Land Settlement, Naryanguda, Hyderabad
3. The District Collector, Hyderabad Dist., Nampally, Hyderabad
4. The Asst. Director, Survey and Land Settlement, Chairag Ali Lane, Hyderabad
5. The Tahsildar, Sahikpet Mandal, Banjara Hills Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ of Mandamus or any other order or orders to declare that letter dated 13-02-2020 rejecting the request of the Petitioner for survey and demarcation stating the reason that "Old survey no not in force hence rejected" by Respondent No. 5 of the property own by the petitioners purchased vide in vide sale deed No. 4416/2017 and 4417/2017 dt:- 07/09/2017 in ratification Deed Doc:- 4484/2017 and 4485/2017 dt:- 18/09/2017 as the TSL R numbers are mentioned in the Sale Dees, is illegal, arbitrary and against the fundamental rights and human rights of the Petitioner as guaranteed by the Constitution of India under article 14,19,21 and 300A.

Counsel for the Petitioner: SRI ABU AKRAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.11841 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made.

"To issue Writ of Mandamus or any other order or orders to declare that letter dated 13.02.2020 rejecting the request of the petitioner for survey and demarcation stating the reason that "Old survey no. not in force hence rejected" by respondent No.5 of the property own by the petitioners purchased vide in vide sale deed No.4416/2017 and 4417/2017, dated 07/09/2017 in ratification Deed Doc:- 4484/2017 & 4485/2017 dt:- 18/09/2017 as the TSL R numbers are mentioned in the sale deeds, is illegal, arbitrary and against the fundamental rights and human rights of the petitioner as guaranteed by the Constitution of India under Article 14, 19, 21 and 300A and pass such other order or orders..."

2. Heard learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for the respondents and perused the record:

3. Learned counsel for the petitioner would contend that the petitioner is the owner and possessor of land admeasuring 4000 square yards in Survey No.105 and 106, Town Survey No.10/4, Block-B, Ward No.12, Hakeempet Village, Shaikpet Mandal, Hyderabad District. He purchased the said land by virtue of registered document Nos.4116/2017 and 4117/2017, dated 07.09.2017, from its original owners. Subsequently, rectification deeds were executed vide Rectification Deed Nos.4485/2017 & 4486/2017, dated 18.09.2017, for rectification of boundaries of the subject land. To get the boundaries corrected and to settle the entire boundaries dispute once for all, the petitioner submitted on-line application, dated 04.06.2019, through E-Seva to the 5th respondent, the Tahsildar, Shaikpet Mandal, for fixing boundaries after conducting

survey by Mandal Surveyor. Since the said application was not disposed of by the 5th respondent even after lapse of one year, the petitioner filed W.P.No.11244 of 2020 before this Court. At the time of hearing of said Writ Petition, learned Government Pleader for Revenue has stated that the application filed by petitioner was rejected by the 5th respondent, vice order, dated 13.02.2020. Accordingly, this Court disposed of the said Writ Petition directing the learned Government Pleader for Revenue to supply a copy of the rejection letter to the petitioner. A perusal of the order, dated 13.02.2020, passed by the 5th respondent reveals that the application of petitioner was rejected stating that "*Demarcation of old survey number not in force, hence rejected.*" The said order is erroneous, without competence and ultimately sought a direction to the 5th respondent to demarcate the land in question.

4. This Court, while dealing with the subject matter in W.P.No.11244 of 2020, which is also the subject matter of the present writ petition, held as follows:

"Learned Government Pleader, on instructions, has stated that the application of the petitioner was already rejected on 13.02.2020 and that the same was communicated to the petitioner through on line. However, the learned Counsel for the petitioner has disputed the same and states that no communication of the rejection order is served on the petitioner till date.

In view of the same, the official respondents are directed to send a copy of the rejection order, dated 13.02.2020, the Registered Post with Acknowledgement Due.

The petitioner, if she is so advised, is free to pursue her remedies, as available under the Law, before the appropriate forums/authorities against the Order of Rejection, dated 13.02.2020."

5. A perusal of the aforementioned order of this Court passed in W.P.No.11244 of 2020 makes it clear that the petitioner was granted liberty to pursue remedies, as available under the Law, before the

appropriate forums/authorities against the order of rejection, dated 13.02.2020. The petitioner, instead of challenging the order of rejection, dated 13.02.2020, before appropriate forums/authorities as observed by this Court in W.P.No.11244 of 2020, again filed the instant writ petition seeking the same relief which was sought in W.P.No.11244 of 2020. Since already there is an order of this Court directing the petitioner to pursue remedies available under law before appropriate forums/authorities, no relief as sought for by the petitioner in this writ petition can be granted. The submissions made on behalf of the petitioner do not merit consideration. There are no merits in this writ petition and the same is liable to be dismissed. However, this order shall not come in the way of the petitioner challenging the rejection order, dated 13.02.2020, before appropriate forums/authorities, in accordance with law.

6. With the above observation, this Writ Petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR
CDZ
SECTION OFFICER

//TRUE COPY//

To,

1. One CC to Sri Abu Akram, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
3. Two CD Copies.

MP

CDZ

HIGH COURT

DATED:10/09/2020

ORDER

WP.No.11841 of 2020



DISMISSING THE WRIT PETITION
WITHOUT COSTS

[Handwritten signature]
25/09/2020