

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

WEDNESDAY, THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 17913 OF 2020

Between:

Dameruppula Bhadraiah, S/o. Veeraiah, Aged about 70 Years, Occ: Retd Employee,
R/o. Kadipikonda Village, Kazipet Mandal, Warangal District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Hyderabad.
2. The District Collector, Warangal Urban, Warangal District.
3. Revenue Divisional Officer, Warangal Urban, Warangal District.
4. Assistant Director, Survey and Land Records Warangal Urban, Warangal District.
5. The Tahsildar, Kazipet Mandal, Kazipet, Warangal Urban, Warangal District.

...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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not conducting survey and fixing the boundaries of petitioner land in Sy No. 339/A an extent of Ac. 1-37 guntas, situated at Kadipikonda Village, Kazipet Mandal, Warangal District, is illegal, arbitrary, violation of the provisions of Survey and Boundaries Act 1923 and as well as the fundamental right guaranteed under the constitution of India, and consequently direct the respondents to conduct survey and fix the boundaries of the petitioner of the above said land.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to conduct survey and fix the boundaries of the petitioner land in Sy No. 339/A an extent of Ac. 1-37 guntas, situated at Kadipikonda Village, Kazipet Mandal, Warangal District, forthwith pending disposal of the main writ petition.

Counsel for the Petitioner: SRI A. JAGAN

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Petition No.17913 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 an appropriate Writ, order or direction, more particularly one in the name of Writ of Mandamus declaring the action of the respondents in not conducting survey and fixing the boundaries of petitioner land in Sy.No.339/A an extent of Ac.1-37 guntas, situated at Kadipikonda Village, Kazipet Mandal, Warangal District, is illegal, arbitrary, violation of the provisions of Survey and Boundaries Act, 1923 and as well as the fundamental right guaranteed under the Constitution of India, and consequently, direct the respondents to conduct survey and fix the boundaries of the petitioner of the above said land and pass such other order or orders..."

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

3. The learned counsel for the petitioner would submit that the petitioner herein purchased land admeasuring Ac.1.37 guntas in Sy.No.339/A situated at Kadipikonda Village, Kazipet Mandal, Warangal District, from his vendors in the year 1987. Ever since the date of purchase, the petitioner is in peaceful possession and enjoyment of the subject land and eking out his livelihood by cultivating the said land. While so, when some of the neighbouring farmers started disturbing the boundaries of the subject land, the petitioner submitted a F-Line application, dated 09.09.2019, to the 5th respondent/Tahsildar, Kazipet Mandal, by paying requisite fee to conduct survey of the subject land and fix the boundaries. Though one year elapsed from the date of submitting the said F-Line application, no action has been taken by the authorities concerned on the said F-Line application, dated 09.09.2019, and ultimately prayed

to direct the respondents to conduct survey and fix boundary stones to the subject land.

4. The material placed on record reveals that the petitioner had submitted F-Line application to the 5th respondent/Tahsildar, on 09.09.2019, by paying requisite fee, requesting to conduct survey and fix boundaries to the subject land. Much time has elapsed from the date of submitting the said F-Line application by the petitioner. By this time, the 5th respondent/Tahsildar ought to have disposed of the said F-Line application, dated 09.09.2019. Under these circumstances, this Court deems it appropriate to direct the 5th respondent/Tahsildar, Kazipet, Warangal Urban District, to dispose of the said F-Line application submitted by the petitioner, expeditiously.

5. Accordingly, the 5th respondent/Tahsildar, Kazipet Mandal, Warangal Urban District, is directed to examine and dispose of the F-Line application, dated 09.09.2019, submitted by the petitioner, in accordance with law, within a period of four (04) months from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of.

Miscellaneous petitions, if any pending, shall stand closed.

There shall be no order as to costs.

**SD/- V. SUDHA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Tahsildar, Kazipet Mandal, Kazipet, Warangal Urban, Warangal District
2. One CC to Sri A. Jagan, Advocate [OPUC]
3. Two CCs to GP for Revenue, High Court for the State of Telangana [OUT]
4. Two CD Copies.

MP

HIGH COURT

DATED:21/10/2020



ORDER

WP.No.17913 of 2020

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

RTM (6)
5/11/2020