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

WEDNESDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO. 21789 OF 2020

Between:

Sunkaraboina Narasimha, S/o. Lingaiah, aged about 55 years, Occ: Agriculture, R/o. Tripuraram Village and Mandal, Nalgonda District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Secretariat, Hyderabad.
2. The District Collector, Nalgonda, Nalgonda District.
3. The Revenue Divisional Officer, Miryalaguda, Nalgonda District.
4. The Tahsildar, Peddavoora Mandal, Nalgonda District.
5. The Mandal Surveyor, Peddavoora Mandal, Nalgonda District.
6. The Assistant Director of Survey & Lands, Nalgonda Division, Nalgonda 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 order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent No.4 and 5 in non - conducting the survey and demarcation in the land of the petitioner pertaining to the land to an extent of Ac.3.00 gts in Sy.No.213/1/1 to an extent of Ac.3.00 gts in Sy.No.213/3 total extent of Ac.6.00 gts situated at Sirisanagandla Revenue Village Sivar, Peddavoora Mandal, Nalgonda District of the petitioner basing on the representation dated 13.05.2020 is highly illegal, arbitrary, unconstitutional, unjust and in violation Principles of Natural Justice and also in violation of Article 14, 19, 21 and 300-A of constitution of India and consequently direct the 4th and 5th respondents to conduct the survey and demarcation on the petitioner's land to an extent of Ac.3.00 gts in Sy.No.213/1/1 to an extent of Ac.3.00 gts in Sy.No.213/3 total extent of Ac.6.00 gts situated at Sirisanagandla Revenue Village Sivar, Peddavoora Mandal, Nalgonda District.

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 4th and 5th respondents to conduct the survey and demarcation on the petitioner's land to an extent of Ac.3.00 gts in Sy.No.213/1/1 to an extent of Ac.3.00 gts in Sy.No.213/3 total extent of Ac.6.00 gts situated at Sirisanagandla Revenue Village Sivar, Peddavoora Mandal, Nalgonda District pending disposal of the writ petition.

Counsel for the Petitioner: SRI RAPOLU BHASKAR
Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.21789 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 order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent Nos.4 and 5 in non conducting the survey and demarcation in the land of the petitioner pertaining to the land to an extent of Ac.3-00 gts in Sy.No.213/1/1, to an extent of Ac.3-00 gts in Sy.No.213/3, total extent of Ac.6-00 gts, situated at Sirisanagandla Revenue Village, Sivar Peddavoora Mandal, Nalgonda District, of the petitioner basing on the representation dated 13.05.2020 is highly illegal, arbitrary, unconstitutional unjust and in violation Principles of Natural Justice and also in violation of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the 4th and 5th respondents to conduct the survey and demarcation on the petitioners land to an extent of Ac.3-00 gts in Sy.No.213/1/1 to an extent of Ac.3-00 gts in Sy.No.213/3 total extent of Ac.6.00 gts situated at Sirisanagandla Revenue Village, Sivar Peddavoora Mandal, Nalgonda District, and to pass such other order or orders...."**

2. With the consent of both the parties, the present Writ Petition is disposed of at the admission stage itself.

3. The learned counsel for the petitioner has contended that the matter is squarely covered by the common order, dated 28.04.2016, passed by this Court in W.P.No.4811 of 2011 and batch. Therefore, the writ petition may be allowed in terms of the above referred common order.

4. The learned Assistant Government Pleader for Revenue appearing for the respondents has fairly conceded that the common order dated 28.04.2016 passed by this Court in W.P.No.4811 of 2011 and batch, covers the *lis* in question.

5. A reading of the common order, dated 28.04.2016, passed in W.P.No.4811 of 2011 and batch, reveals that this Court while dealing with the issue in question and taking into consideration the Circulars issued by the Commissioner, Survey, Settlements and Land Records, has held as under:

> *"23. In view of the above facts and circumstances, the writ petitions are disposed of directing the respondent-authorities to consider the applications of the petitioners for survey and demarcation of lands after receiving necessary charges, keeping in view the Circulars vide Rc.No.N1/1408/07, dated 13-07-2007,Rc.No.N1/6543/99, dated 25.07.2001 and Circular vide Rc.No.N2/1741/2010, dated 18-05-2010 and also in terms of the judgment of W.A.No.618 of 2013 and also keeping in view of the provisions of Sections 89, 89-A and 92 of the Act and take necessary action and communicate the decision to the parties. It is open for the petitioners to prefer appeal against the said order, if they are aggrieved in terms of circulars referred to above."*

6. In view of the above, the present Writ Petition is disposed of in terms of the common order, dated 28.04.2016, passed in W.P.No.4811 of 2011 and batch. The above said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

The miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Building, Secretariat, Hyderabad.
2. The District Collector, Nalgonda, Nalgonda District.
3. The Revenue Divisional Officer, Miryalaguda, Nalgonda District.
4. The Tahsildar, Peddavoora Mandal, Nalgonda District.
5. The Mandal Surveyor, Peddavoora Mandal, Nalgonda District.
6. The Assistant Director of Survey & Lands, Nalgonda Division, Nalgonda District.
7. One CC to Sri Rapolu Bhaskar, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies.

Along with a Copy of the Common Order dated 28.04.2016 in W.P.No.4811 of 2011 and batch.

MP

HIGH COURT

DATED:9/12/2020

ORDER

WP.No.21789 of 2020



DISPOSING OF THE WRIT PETITION WITHOUT COSTS

(11) VLV
22/12/20

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.4811 of 2011, 31799, 38450 of 2014, 695, 704, 705, 706, 851, 1286, 1317, 1363, 1385, 1387, 1696, 2082, 2169, 2252, 2441, 2981, 5588, 8182, 8209, 8572, 8784, 8902, 9287, 9572, 9750, 9820, 9831, 10043, 11401, 11428, 12549, 13332, 13439, 16158, 16306, 17514, 18767, 19189, 19722 of 2015 and W.P.No. 24695 of 2009

COMMON ORDER:

Since issue involved in these matters is one and the same, all these writ petitions are disposed of by this common order.

In all these writ petitions, it is the case of the petitioners that they have made representations to the respondent-authorities for conducting survey and demarcation of their lands and that they have paid necessary charges and inspite of the same, the survey is not being conducted. In some of the cases, it is the case of the petitioners that the respondent-authorities are not receiving necessary charges towards conducting of survey and demarcation of their lands. Aggrieved by the said action, the present writ petitions are filed seeking directions to receive representations and necessary charges for conducting survey and demarcation of the lands of the petitioners.

Common counter affidavit is filed admitting that the Government has issued Circulars in respect of survey of lands subject to conditions that the persons seeking survey are required to produce certain documents in terms of Circulars and only on compliance of said conditions, the survey would be conducted. Since the petitioners have not complied with the conditions stipulated in the Circulars, they are not entitled for any directions. As such, sought for dismissal of the writ petitions.

Learned counsel for the petitioners while relying on the judgment, dated 14-06-2013, passed by a Division Bench of this Court in W.A.No.618 of 2013 submits that basing on the Circulars issued by the Government, the Writ Appeal was disposed of directing the respondent-authorities to conduct survey and issue necessary survey report/proceedings to the appellant/petitioner therein.

Learned Government Pleader for Revenue by placing reliance on the Circulars vide Rc.No.N1/1408/07, dated 13-07-2007, Rc.No.N1/6543/99, dated 25-07-2001 and Circular vide Rc.No.N2/1741/2010, dated 18-05-2010 issued by the Commissioner, Survey, Settlements and Land Records, submits that unless the petitioners

comply the conditions laid down in the said Circulars, they cannot, as a matter of right, seek directions for conducting the survey and demarcation of their lands. The Circulars are issued only to facilitate the survey of private lands. He also submits that in W.A.No.618 of 2013, relied on by the learned counsel for the petitioners, a direction was issued for compliance of conditions and after production of relevant documents for survey as sought by the respondents in Memo dated 16-04-2012 and reminder Memo dated 10-06-2013, the respondents are directed to conduct survey and issue necessary report/proceedings to the appellant therein. Learned Government Pleader basing on the counter submits that in respect of the plots situated in approved layouts of Municipalities and Municipal Corporations, the survey cannot be conducted by the Survey department and it is for the licensed surveyors licensed by the Corporations to conduct the survey.

A perusal of the Circulars relied on by the learned Government Pleader for Revenue goes to show that subject to compliance of conditions in the Circulars, survey can be undertaken. The Division Bench in the said Judgment also considered the effect of Circulars and set aside the order of learned Single Judge. Learned

counsel for the petitioners also not disputed that the petitioners have to comply the conditions in the Circulars relied on by the learned Government Pleader for Revenue. In fact, Division Bench issued directions basing on the Circulars. Learned Government Pleader for Revenue also states that while taking up the survey and demarcation of the lands, the Survey Department has to follow the provisions under Sections 89, 89-A and 92 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (For short " the Act").

In view of the above facts and circumstances, the writ petitions are disposed of directing the respondent-authorities to consider the applications of the petitioners for survey and demarcation of lands after receiving necessary charges, keeping in view the Circulars vide Rc.No.N1/1408/07, dated 13-07-2007, Rc.No.N1/6543/99, dated 25-07-2001 and Circular vide Rc.No.N2/1741/2010, dated 18-05-2010 and also in terms of the judgment in W.A.No.618 of 2013 and also keeping in view the provisions of Sections 89, 89-A and 92 of the Act and take necessary action and communicate the decision to the parties. It is open for the petitioners to prefer appeal against the said order, if they are aggrieved in terms of circulars referred to above.

Miscellaneous Petitions, if any, pending in these writ petitions shall stand closed.

A.RAJASHEKER REDDY,J

28-04-2016
nvl