

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

THURSDAY, THE THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 10199 OF 2021

Between:

M/s.Dr.Ramakrishna Prasad Housing (Private) Limited, Village No.6, SLN Lumini Springs, Botanical Garden Backside, Gachibowli, Hyderabad 500032. Rep. by its Managing Director, Smt.Venigalli Vijayalakshmi W/o. Late Dr.Ramakrishna Prasad, Aged about 67 years, Occ. Business, R/ o. Hyderabad.

...PETITIONER

AND

1. State of Telangana, Revenue Department, Secretariat, Hyderabad. Rep. by its Principal Secretary.
2. The Commissioner of Survey and Settlements and Land Records, Government of Telangana, Hyderabad.
3. The Assistant Director of Survey and Land Records, Sangareddy, Sangareddy 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 a writ of mandamus or any other appropriate writ or direction declaring the action of the 3rd respondent in not conducting survey in respect of the land in Sy.No.473 of Chitkul Village, Patancheru Mandal, Sangareddy District, inspite of making an application on 05.01.2021 along with the necessary challan as illegal, arbitrary and consequently direct the 3rd respondent to conduct the survey in respect of the land in Sy.No.473 of Chitkul Village, Patancheru Mandal, Sangareddy District and fix the boundaries.

IA NO: 1 OF 2021

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 3rd respondent to conduct the survey in respect of the land in Sy.No.473 of Chitkul Village, Patancheru Mandal, Sangareddy District, In pursuance of the application dated 05.01.2021 made by the petitioner, pending disposal of the writ petition.

Counsel for the Petitioner: SRI. S.V. RAMANA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10199 of 2021

ORDER:

Heard learned counsel for the petitioner and learned Government pleader for Revenue.

2. According to petitioner, petitioner purchased Ac.5-00 guntas of land out of Ac.15-28 guntas in survey No.473 of Chitkul Village in Patancheru Mandal of Medak District now forming part of Sanga Reddy District by way of registered sale deed dated 28.11.2006. Petitioner claims that he has applied for conducting survey on 05.01.2021 and survey fee was also paid. Though respondents acknowledged the submission of application along with payment of requisite fee, so far no steps are taken to conduct survey.

3. Though learned Government Pleader does not dispute filing of application, by referring to the conversion proceedings issued by the Revenue Divisional Officer on 26.03.2014 converting land for non-agricultural purpose, contends that land was already converted and the Housing Society might have already developed the land for house plots purpose and in such a case, no survey can be conducted. There may be various reasons for not conducting the survey, but in the instant case no decision is made. The respondents are sitting on the request of petitioner. The respondents cannot keep quite and ignore the request made for conducting survey compelling the parties to come before this Court.

4. Accordingly, Writ Petition is disposed of directing the third respondent-Assistant Director to consider the application

submitted by the petitioner on 05.01.2021 (Ex.P.1) if application is otherwise in order and if there is no impediment to conduct survey, he shall conduct survey strictly in accordance with the circular instructions issued by the Commissioner of Survey Settlements and Land Records. Survey exercise shall be completed by following due process within eight weeks from the date of receipt of a copy of this order. If for any reason, the Assistant Director is not agreeing to conduct survey, he shall pass orders assigning reasons in support of the decision and communicate the same to the petitioner within the time stipulated above. Pending miscellaneous petitions, if any, shall stand closed.

SD/- K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Assistant Director of Survey and Land Records, Sangareddy, Sangareddy District
2. One CC to Sri S.V. Ramana, Advocate [OPUC]
3. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies

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HIGH COURT

DATED:03/06/2021



ORDER

W.P.No.10199 of 2021

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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