

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

**TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 16357 OF 2021

Between:

Peyyala China Buchaiah, S/o.Ramaiah, Aged about 62 Years, Occ. Agriculture, R/o. Venkatadripalem Village, Miryalaguda Mandal, Nalgonda District

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Hyderabad T.S.
2. The District Collector, Nalgonda District.
3. The Assistant Director, Survey and Land Records, Nalgonda District.
4. The Tahsildar, Miryalaguda Mandal, 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 appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not conducting the survey and fixing the boundaries to the petitioner land in Sy No. 244/19, an extent of Ac 1.10 gts situated at Venkatadripalem village, Miryalaguda Mandal, Nalgonda District is as illegal, arbitrary, contrary to the provisions of Survey and Boundaries Act and rules there under and as well as violation fundamental rights guaranteed under the constitution of India and consequently direct the respondents to conduct the survey and fix the boundaries to the petitioners above said land forthwith.

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 respondents to conduct the survey and fix the boundaries to the petitioners land in Sy No. 244/19, an extent of Ac 1.10 gts situated at Venkatadripalem village, Miryalaguda Mandal, Nalgonda District forthwith pending disposal of the main writ petition.

Counsel for the Petitioner :SRI. VENKATARAMANAIAH K

Counsel for the Respondent No.s 1 to 4 : GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.16357 OF 2021****ORDER**

The prayer sought in the writ petition reads as under:

"... 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 the survey and fixing the boundaries to the petitioner land in Sy.No.244/19 an extent of Ac.1.10 gts., situated at Venkatadripalem village, Miryalaguda Mandal, Nalgonda District, as illegal, arbitrary, contrary to the provisions of Survey and Boundaries Act and rules there under and as well as violation fundamental rights guaranteed under the constitution of India and consequently direct the respondents to conduct the survey and fix the boundaries to the petitioner's above said land forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Heard Sri Venkataramanaiah Kandula, learned counsel for the petitioner, and learned Assistant Government Pleader for Revenue for the respondents.

3. Petitioner claims to be the owner of agricultural land to an extent of Ac.1.10 guntas in Survey No.244/19 of Venkatadripalem Village, Miryalaguda Mandal, Nalgonda District. His name was mutated in the revenue records and he was issued pattadar passbook. He made application on 12.10.2019 in F-Line mode requesting to conduct survey and fix the boundaries to the subject land. But, so far survey is not conducted. Hence this writ petition.

4. Copy of the receipt issued by TSTS Online in response to filing of F-Line application by the petitioner is filed at page No.10 of the writ petition paper book.

5. In view thereof, without entering into the merits, the writ petition is disposed of directing the Tahsildar, Miryalaguda Mandal, Nalgonda District, respondent No.4, to consider the application submitted by petitioner for conducting survey and fixing the boundaries. If the said application is otherwise in order, respondent No.4 may direct the Mandal Surveyor to conduct survey by strictly following the circular instructions issued from time to time by the Commissioner for Survey, Settlement and Land Records, if necessary by putting on notice the adjacent property owners. If, for any reason, the Tahsildar is not in agreement to conduct survey, he shall pass orders by assigning reasons in support of the decision and communicate the same to the petitioner within a period of ten weeks from the date of receipt of copy of this order. Pending miscellaneous petitions, if any, shall stand closed.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Building, Hyderabad, T.S.
2. The District Collector, Nalgonda District.
3. The Assistant Director, Survey and Land Records, Nalgonda District.
4. The Tahsildar, Miryalaguda Mandal, Nalgonda District.
5. One CC to SRI. VENKATARAMANAI AH K Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. Two CD Copies

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HIGH COURT

DATED:20/07/2021



ORDER

WP.No.16357 of 2021

DISPOSE OF W.P

WITHOUT COSTS

Handwritten signature
28/07/2021