

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

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 17522 OF 2022

Between:

Smt Faheem Sultana, W/o Khaja Moinuddin Aged 52 years Occ- Housewife
R/o H No.7-3-485, Sainagar, Near Mosque Nanded, Maharashtra State

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue Department, Secretariat Buildings, Hyderabad
2. The Tahsildar, Bhainsa Mandal Nirmal District
3. The Mandal Surveyor, Bhainsa Mandal Nirmal District
4. Pendeshwar Poshetty, S/o Ramulu Aged Not Known R/o Bhainsa Mandal, Nirmal 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 any appropriate writ, order or direction one more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents No. 2 and 3 in conducting survey for demarcation of the pathway which passes through Sy Nos.454, 455, 457, 458, 459 and 460 situated at Bhainsa Village and Mandal, Nirmal District is illegal, arbitrary and Unconstitutional and set aside the same and consequently restrain the respondents No. 2 and 3 from conducting any survey in pursuance of the Notice dated 24/02/2022 Vide RC. No.B/132/2021 thereby restraining the respondents No.2 and 3 from interfering with the Petitioner constitutional rights in respect of the petitioner property in Sy No.459/A situated at Bhainsa Village and Mandal, Nirmal District.

IA NO: 1 OF 2022

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 stay all further proceedings pursuant to the Notice dated 24/02/2022 Vide RC. No.B/132/2021 issued by the Respondent No.2 in respect of the petitioner property in Sy No.459/A situated at Bhainsa Village and Mandal, Nirmal District, pending disposal of the writ petition.

Counsel for the Petitioner: SRI NARESH REDDY CHINNOLLA

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

Counsel for the Respondent No. 4: ---

The Court made the following: ORDER

THE HON'BLE JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.17522 of 2022

ORDER:

The Writ Petition is filed seeking Writ of Mandamus declaring action of respondent Nos.2 and 3 in conducting the survey for demarcation of the pathway which passes through Survey Nos.454, 455, 457, 458, 459 and 460 situated in Bhainsa Village and Mandal, Nirmal District as illegal, arbitrary and unconstitutional.

2. It is the case of the petitioner that 4th respondent herein filed an application for conduct of survey and demarcation of the pathway to approach the agricultural land situated in survey No.505/AA2 situated in Bhainsa Village and Mandal, which passes through Survey Nos.454, 455, 457, 458, 459 and 460 situated in Bhainsa Village and Mandal, Nirmal District.

3. Pursuant to the said application of respondent No.4, respondent No.2 herein issued notice dated 24.02.2022 directing the Mandal Surveyor i.e., respondent Nos.2 and 3 to demark the above survey numbers on 23.03.2022 and report compliance to the office to respondent No.2 at an early date.

4. Petitioner herein claims that she is the purchaser of land in Survey No.459 to an extent of Ac.01.20 guntas through registered

sale deed bearing document No.1061/1995 dated 05.05.1995 and that she has divided the said land into plots and sold to various persons and holding certain plots in her name as on date.

5. It is also the case of the petitioner that since time immemorial there is no cart track existing through land of the petitioner in survey No.459 and that no adjacent land owners are using the said cart track shown in the village map i.e., starting from Suddavagu river to Wadgaon Village Shivar about 3 kms and that the land owners of the surrounding area, voluntarily abandoned the said cart track as the permanent black top roads have been laid around the lands. It is also the case of the petitioner that some land brokers blackmailing the petitioner to pay money to them, failing which, they have threatened the petitioner to demark the cart track from the plots of the petitioner. It is also submitted by the petitioner that respondent No.4 is trying to survey only the plots of the petitioner leaving the entire cart track, thereby causing prejudice to the petitioner. Therefore, the petitioner objected for conduct of the survey mainly on the said cart track, which is not being used by the adjacent land owners for the past several years and therefore, seeks to restrain the respondent Nos.2 and 3 from conducting any survey. Basing upon the application submitted by respondent No.4 on 03.03.2021, respondent No.2 has issued the notice dated 24.02.2022

directing respondent No.3 to conduct survey and submit report as requested by the respondent No.4.

6. Having considered the facts, this petition can be disposed of at the admission stage, leaving it open and permitting the petitioner to file work memos comprising of her objections in detail and submit the same before respondent No.2 and respondent Nos.2 and 3 are directed to consider objections made in the application of the petitioner while conducting the survey and take a decision on the said objections and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, pending if any, shall stand closed.

There shall be no order as to costs.

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad
2. The Tahsildar, Bhainsa Mandal Nirmal District
3. The Mandal Surveyor, Bhainsa Mandal Nirmal District
4. One CC to SRI NARESH REDDY CHINNOLLA Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad . [OUT]
6. Two CD Copies.
7. One spare copy.

NPJ

NPJ

HIGH COURT

DATED:08/04/2022



ORDER

WP.No.17522 of 2022

DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS.

(9) VLV
6/5/22