

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

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 19886 OF 2022

Between:

Bheemidi Raghavendra Reddy, S/o. B. Venkatramana Reddy, Aged about 23 years, Occ Student, R/o. H-No.6-52/F, Near SBH Bank, Annojiguda Village, Ghatkesar Mandal, Medchal Malkajgiri District.

...PETITIONER

AND

1. The State of Telangana, Revenue Department, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District.
3. The Revenue Divisional Officer, Ibrahimpatnam Division, Ranga Reddy District.
4. The Thasildar, Abdulapurmet Mandal, Ranga Reddy District.
5. The Mandal Surveyor, Abdulapurmet Mandal, Ranga Reddy 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 to declare the action of the Respondent No.3 in not taking any action in pursuance to the Letter addressed by the Respondent No.4 to the Respondent No.3, vide Lr.No.MS/278/2018, dated 3.4.2021, as arbitrary, illegal, contrary to settled principles of law and consequently direct the Respondent No.3 to take action in pursuance to the letter addressed by the Respondent No.4 to the Respondent No.3, vide Lr.No.MS/278/2018, dated 3.4.2021.

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 direct the Respondent No.3 to take action in pursuance to the letter addressed by the Respondent No.4 to the Respondent No.3, vide Lr.No.MS/278/2018, dated 3.4.2021.

Counsel for the Petitioner :SRI. GADDAM SRINIVAS

Counsel for the Respondent Nos.1 to 5 : GP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.19886 OF 2022

ORDER:

This Writ Petition is filed by the petitioner aggrieved by the action of respondent No.3 in not conducting survey in pursuance of letter vide Lr.No.MS/278/2018, dated 03.04.2022 addressed by respondent No.4 to the respondent No.3.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue and perused the material on record.
3. The case of the petitioner is that he is the absolute owner and possessor of agricultural land admeasuring Ac.1.14 ½ guntas in survey No.249/A,AA,A situated at Bandaravirala Village, Hayathnagar Mandal, Ranga Reddy District. The grandfather of the petitioner has gifted the subject land to the petitioner under registered gift deed bearing registration No.1416 of 2015 dated 09.03.2015 and another extent of Ac.1.14 ½ guntas in the same survey number was gifted by his grandfather to the elder brother of the petitioner vide registered gift deed bearing registration No.1415 of 2015 dated 09.03.2015. Subsequently the above said survey number was sub divided. The petitioner has submitted F - Line application for conducting survey, demarcation and fixation of boundaries in survey No. 249/A,AA,A of Bandaravirala Village, Hayathnagar Mandal, Ranga Reddy District. Respondent No.4 has issued notice to all concerned parties but the third parties have raised an objection with a request to conduct joint

survey along with Mining Authorities and that suit in O.S.No.799 of 2018 is pending. By apprising the same, respondent No.4 has addressed a letter to respondent No.3 and requested to depute the Deputy Inspector of Survey, Ibrahimpatnam to redress the grievance of the petitioner. However, it is stated that respondent No.3 has not taken any action pursuant to the letter of the respondent No.4.

4. Learned counsel for the petitioner has submitted that the grandfather of the petitioner has filed O.S.No.79 of 2018 to cancel the registered gift deed executed in his favour and in favour of his elder brother and the same is pending for adjudication and the pendency of the suit will not preclude the respondents to redress the grievance of the petitioner.

5. In the opinion of this Court, pendency of a civil suit will not in any manner cause impediment to the respondent No.4 to proceed with the survey, unless there is any restraint order passed by the trial Court in O.S.No. 799 of 2018. So far as objection of adjacent pattadars in conducting joint survey along with mining authorities is concerned, the respondent No. 4 shall consider such objection and if it is found that survey of the land of the petitioner cannot be conducted without the presence of Mining Authorities, then notice shall be issued to the Mining Authorities and other affected persons.

6. In view of the above facts and circumstances, this Writ Petition is disposed of directing respondent No.3 forthwith to act upon the F-Line application dated 03.10.2021 of the petitioner and letter dated 03.04.2021 addressed by respondent No.4 to respondent No.3 and conduct survey, demarcation and fixation of boundaries in survey No.249/A,AA,A situated at Bandaravirala Village, Hayathnagar Mandal, Ranga Reddy District by issuing notice to all the interested persons - neighbouring land owners in accordance with law. The exercise of survey, demarcation and fixation of boundaries of the subject lands shall be completed within a period of six (06) weeks from the date of receipt of copy of this order.

The miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

SD/-T.SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District.
3. The Revenue Divisional Officer, Ibrahimpatnam Division, Ranga Reddy District.
4. The Thasildar, Abdulapurmet Mandal, Ranga Reddy District.
5. The Mandal Surveyor, Abdulapurmet Mandal, Ranga Reddy District.
6. One CC to SRI. GADDAM SRINIVAS, Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
8. Two CD Copies
9. One Spare Copy.

HIGH COURT

DATED:25/04/2022



ORDER

WP.No.19886 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑪
30/5/22
Hv+