

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

FRIDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 2237 OF 2023

Between:

Chinthalakunta Pagunta, S/o, Chinthalakunta Pedda Karreppa Aged about 41 years, Occ. Agriculture R/o. H.No.1-1, Thappetlamorsu Village, Ghattu Mandal, Jogulamba Gadwal District, T.S.

...PETITIONER

AND

1. State of Telangana, rep. by its Principal Secretary to Government, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Jogulamba Gadwal District, T.S.
3. The Revenue Divisional Officer, Gadwal Division, Jogulamba Gadwal District, T.S.
4. The Mandal Revenue Officer, Maldakai Mandal, Jogulamba Gadwal District, T.S.
5. The Mandal Surveyor, Maldakai Mandal, Jogulamba Gadwal District, T.S.

...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 inaction of the respondents in conducting survey and fixing the boundaries in respect of the petitioner's lands in Sy.No.140/B1/1/2 admeasuring Ac.0-10 gts., Sy.No.140/B1/2/2 admeasuring Ac.0-10 gts., and Sy .No.140/B1/4 admeasuring Ac.0-10 gts., total admeasuring Ac.0-30 gts., situated at Maldakai Village and Mandal, Jogulamba Gadwal District as illegal, unjust, arbitrary, violative of principles of natural justice and contrary to the provision of Survey and boundaries Act and rules made there under 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 of the petitioner's above said land forthwith

IA NO: 1 OF 2023

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 of the petitioner's land in Sy.No.140/B1/1/2 admeasuring Ac.0-10 gts., Sy.No.140/B1/2/2 admeasuring Ac.0- 10 gts., and Sy.No.140/B1/4 admeasuring Ac.0-10 gts., total admeasuring Ac.0-30 gts., situated at Maldakal Village and Mandal, Jogulamba Gadwal District pending disposal of the main writ petition

Counsel for the Petitioner: SRI. DILIP KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.2237 of 2023

ORDER:

Heard Sri Dilip Kumar, learned counsel appearing for the petitioner and learned Assistant Government Pleader for Revenue appearing for respondents. Perused the record.

Petitioner is claiming that he is the absolute owner and possessor of lands admeasuring Ac.0-10 gts., in Sy.No.140/B1/1/2, Ac.0-10 gts., in Sy.No.140/B1/2/2 and Ac.0-10 gts., in Sy.No.140/B1/4, total admeasuring Ac.0-30 gts., situated at Maldakal village and Mandal, Jogulamba Gadwal district. In proof of the same, he has filed copies of sale deeds, 13-B Certificate and also pattedar pass books and title deeds. He has submitted F-line application bearing No.DER022300883781 dated 11-01-2023 with respondent Nos.4 and 5 with a request to conduct survey and demarcate the aforesaid lands by fixing boundaries. Despite receiving and acknowledging

the said F-line application, respondent Nos.4 and 5 did not act upon the same, therefore, the present writ petition.

Whereas learned Assistant Government Pleader for Revenue, on instructions, would submit that respondent Nos.4 and 5 will consider the aforesaid F-line application submitted by the petitioner by following due procedure laid down under law and conduct survey and demarcate the aforesaid lands by fixing boundaries.

In the receipt of F-line application dated 11-01-2023 itself, it is mentioned that the request made by the petitioner will be considered within forty five (45) working days from the request date. The petitioner herein instead of waiting for the above said period, filed the present writ petition. This writ petition is premature writ petition.

However, considering the nature of relief sought, this writ petition is disposed of, directing respondent Nos.4 and 5 to consider the F-line application bearing

No.DER922399883781 dated 11-01-2023 submitted by the petitioner, conduct survey and demarcate the aforesaid lands by fixing boundaries, strictly in accordance with law by putting the petitioner and all affected parties on notice and affording them an opportunity of hearing. If respondent Nos.4 and 5 are not inclined to accept the request of the petitioner, they shall assign specific reasons, pass a reasoned order and shall communicate copy of the said order to the petitioner. They shall complete the entire exercise within a period of forty five (45) days from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Mandal Revenue Officer, Maldakal Mandal, Jogulamba Gadwal District, T.S.
2. The Mandal Surveyor, Maldakal Mandal, Jogulamba Gadwal District, T.S.
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. DILIP KUMAR, Advocate [OPUC]
5. Two CD copies

BM

BS

HIGH COURT

DATED:27/01/2023

ORDER

WP.No.2237 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

Handwritten signature and date:
2
MMA
07/2/2023