

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

**MONDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 2258 OF 2024

Between:

Sri Aashamgari Vijay Bhasker Reddy, S/o Late Ashamgari Somi Reddy, Aged about 49 Years, Occ. Business, Residing at 6-165, Badangpet Village, Saroor Nagar Mandal, Ranga Reddy District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad, Telangana State.
2. The District Collector, Ranga Reddy District, T.S.
3. The Tahsildar, Balapur Mandal Ranga Reddy District, T.S.
4. The Mandal Surveyor, Balapur Mandal, Ranga Reddy District, Telangana State.
5. The Commissioner Survey and Land Records, Hyderabad, Telangana State.
6. Gummadi Janaki W/o. G.Sudershan Reddy, Aged about 55 years, R/o. Battonguda Village, Bolarum, Secunderabad.

(R6 is impleaded as per Court Order dt. 14.10.2024 in IA.No.2/2024)

...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 an order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents, more particularly 3rd Respondent in Rejecting the Application submitted by the Petitioner Vide Application No. DER022300994850, dated 10-11-2023 for Survey, Sub Division and also for fixation of the boundaries on the ground of Pending Writ Petition in W. P. No. 45195/2022 being unfair, unjust unreasonable and against the Principles of Natural Justice and also against The Telangana Survey and Boundaries Act, 1923, consequently to set aside the Rejection Order dated 10-01-2024 passed by the 3rd Respondent same being violation of Article 14, 19, 21 and 300-A of Constitution of India, Consequently direct the 3rd Respondent to conduct the Sub

Division Survey through 411st Respondent in connection with the lands Admeasuring Ac. 1.30 Gts, in Survey No. 143/E, Situated in Badangpet Village, Balapur Mandal, Ranga Reddy District, Telangana State.

IA NO: 1 OF 2024

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 and 4th Respondents to reconsider the application submitted by the petitioner vide Application No. DER022300994850 dated 10- 11-2023 for Survey, Sub Division and also for fixation of the boundaries, by strictly following the Circulars issued by the 5th Respondent and dispose of the same afresh by giving notice to the concern.

Counsel for the Petitioner: SRI K. DEVANATH

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

Counsel for the Respondent No.6: SRI B.VENKATA RAMA RAO

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.2258 of 2024

ORDER:

This writ petition has been filed seeking to declare the action of the respondents, more particularly respondent No.3, in rejecting the application submitted by the petitioner vide Application No.DERO22300994850 dated 10.11.2023 for survey, sub-division and also for fixation of the boundaries, as illegal, arbitrary and contrary to the provisions of Telangana Survey and Boundaries Act, 1923 and to consequently set aside the same.

2. The petitioner claims to be the absolute owner and possessor of land admeasuring Ac.1.30 guntas in Survey No.143/E situated at Badangpet Village, Balapur Mandal, Ranga Reddy District, having acquired the same by way of Registered Gift Settlement Deed bearing Document No.9217/2005 dated 28.03.2005. It is stated that the Tahsildar, Balapur Mandal, Ranga Reddy District i.e., respondent No.3 herein, duly taking into consideration the entries made in his favour in the Dharani portal and the pattadar pass books issued in his favour, has passed an order dated 24.08.2023 granting conversion permission under the

provisions of the Telangana Agricultural Land (Conversion for Non Agricultural Purposes) Act, 2006 (for short "the Act"). It is further stated that pursuant to the said order passed by respondent No.3, the petitioner has filed another application through IGRS portal seeking to conduct survey, sub-division and also for fixation of boundaries vide application No.DERO22300994850 dated 11.10.2023 and acting upon the said application, respondent No.3 has issued survey notice dated 20.11.2023. The grievance of the petitioner is that respondent No.3, merely based on the objections raised by the impleaded respondent No.6 and other neighbouring land owners, passed the impugned order dated 10.01.2024 rejecting the said application.

3. Mr. B. Venkata Rama Rao, learned counsel appearing for impleaded respondent No.6, vehemently contended that the petitioner's father, being the owner and pattadar of land admeasuring Acs.5.00 in Survey No.143/A, had in fact disposed of the entire extent of land in favour of third parties; thereafter, the petitioner herein, in collusion with the revenue authorities, got an entry made in Dharani portal with description of two survey numbers i.e., Survey No.143/E/1 to an extent of Ac.0.30 guntas and Survey No.143/E/2 to an extent of Ac.1.30 guntas

creating Khata No.60234 and obtained an order for conversion of agricultural land for non-agricultural purpose, without holding any order of mutation in his favour for getting an entry in the Dharani portal; the petitioner herein having already sold the land in Survey No.143 is mischievously identifying the land in Survey No.143 belonging to the impleaded respondent No.6 and therefore, he objected for the said survey, sub-division and for fixation of boundaries of the land as sought by the petitioner herein; and as such, there is no illegality or irregularity in the impugned rejection order passed by respondent No.3. Learned counsel further contended that the petitioner has also filed an application before respondent No.3 herein seeking mutation of his name in the revenue records and the same was dismissed stating that he is not having any right over the subject property, as it has been disposed of by his father in favour of third parties; the appeal preferred by the petitioner against the said order has also been dismissed by the Special Tribunal constituted under the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 2020; aggrieved by the said orders of the Tribunal, the petitioner filed a writ petition before this Court and the same was subsequently withdrawn by the petitioner himself; and thus, the order passed by respondent

No.3 has attained finality. Learned counsel further contended that since the application filed by the petitioner for mutation of his name in the revenue records itself has been rejected, the petitioner is not having any right to file another application seeking to conduct survey, sub-division and for fixation of boundaries in respect of the subject land and as such prayed for dismissal of the writ petition.

4. Considered the submissions of the learned counsel for the parties and perused the record.

5. It is not in dispute that the application filed by the petitioner before respondent No.3 herein for mutation of his name in the revenue records in respect of the subject property has been rejected and the appeal filed before the Special Tribunal challenging the said order has also been dismissed. Further, it is also not in dispute that the writ petition filed before this Court challenging the order passed by the Special Tribunal has been withdrawn by the petitioner himself. The only case of the petitioner in this writ petition is that he is having some land in Survey No.143 and he is seeking to conduct survey, sub-division and for fixation of boundaries in respect of the said land.

6. Be that as it may, a careful examination of the impugned rejection order dated 10.11.2023 passed by respondent No.3 reveals that it is bereft of any reasons. The question as to whether the petitioner has any locus to file such an application for conducting survey, sub-division and demarcation of boundaries of the subject land can only be examined by respondent No.3, who is the competent authority, by taking into consideration of all the records that may be produced by the petitioner as well as the impleaded respondent No.6 and other interested parties.

7. Therefore, this Court, without expressing any opinion on the merits of the matter, deems it appropriate to dispose of the writ petition by permitting the petitioner to file a fresh application before respondent No.3 herein seeking to conduct survey, sub-division and for fixation of boundaries of the subject land and on filing such application, respondent No.3 shall issue notice to all the interested parties, including impleaded respondent No.6 herein, and after taking into consideration the relevant records, the objections that may be raised by the parties, the earlier order of rejection and the order passed by the Special Tribunal, he shall pass a reasoned order

and communicate the same to the parties, within a period of three months from the date of receipt of such application.

The writ petition is accordingly disposed of.

Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad, Telangana State.
2. The District Collector, Ranga Reddy District, T.S.
3. The Tahsildar, Balapur Mandal Ranga Reddy District, T.S.
4. The Mandal Surveyor, Balapur Mandal, Ranga Reddy District, Telangana State.
5. The Commissioner Survey and Land Records, Hyderabad, Telangana State.
6. One CC to SRI K.DEVANATH, Advocate [OPUC]
7. One CC to SRI B.VENKATA RAMA RAO, Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
9. Two CD Copies

PSK.

§

HIGH COURT

CVBR,J

DATED:14/10/2024

ORDER

WP.No.2258 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

(12) Copied

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20/11/24