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

MONDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 24255 OF 2023 & 27634 OF 2024

W.P.No.24255 OF 2023

Between:

1. D. Rajesh, S/o. Sathi Reddy, Aged about 46 years, Occ. Business, R/o. 7-71/3, Habsiguda, Hyderabad.
2. Kallem Prudhvinath Reddy, S/o. Prabhaker Reddy, aged 29 years, Occ. Business, R/o. 16-2-751/A/31/D/60, Road No.3, Tirumala Hills, Asmangadh, Malakpet, Hyderabad.

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Medchal-Malkajgiri District.
3. The Tahsildar, Ghatkesar Mandal, Medchal-Malkajgiri District.
4. The Gayatri Educational and Cultural Trust, Rep. by its Secretary-cum-Correspondent Smt. Neelima Suryadevara, H.No. 8-2-293/82/NG/32, Nandagiri Hills, Lane-3, Near Jubili Hills Check Post, Jubili Hills, Hyderabad.

...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, order or a direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in giving markings on the petitioners land in Survey No. 796, with its sub-divisions, which was purchased by the petitioners through registered document Nos. 1818/2015 and 1817/2015 respectively, admeasuring 1-00 acre and Ac.1-20 guntas, (vide Mutation Proceedings of the 3rd respondent in Procs.No.B/1782/2016 and B/1783/2016, dated 28-01-2017), situated at Venkatapuram, hamlet of Korremula

Village, Ghatkesar Mandal, Medchal-Malkajgiri District, as being illegal, arbitrary, unreasonable, violative of Articles 14, 21 and 300-A of the Constitution of India and issue a consequential direction directing the respondents not to lay any road in the petitioners land.

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 not to lay any road in the petitioners' private land in Survey No. 796, with its sub-divisions, which was purchased by the petitioners through registered document Nos. 1818/2015 and 1817/2015 respectively, admeasuring 1-00 acre and Ac.1-20 guntas, (vide Mutation Proceedings of the 3rd respondent in Procs.No.B/1782/2016 and B/1783/2016, dated 28-01-2017), situated at Venkatapuram, hamlet of Korremula Village, Ghatkesar Mandal, Medchal - Malkajgiri District, pending disposal of the writ petition.

Counsel for the Petitioner : SRI S.VIPLAV SIMHA REDDY

Counsel for the Respondents No.1to3 : AGP FOR REVENUE

Counsel for the Respondents No.4 : --

W.P.No.27634 OF 2024

Between:

1. D. Rajesh, S/o Sathi Reddy, Aged about 46 years, Oc. Business, R/ o. 7-71/3, Habsiguda, Hyderabad.
2. Kallem Prudhvinath Reddy, S/o. Prabhaker Reddy, aged 29 years, Occ. Business, R/o. 16-2-751/A/31/D/60, Road No.3, Tirumala Hills, Asmangadh, Malakpet, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Medchal-Malkajgiri District.
3. Hyderabad Metropolitan Development Authority, Rep by its commissioner Swarnajayanthi Commercial Complex, 4th floor, Ameerpet, Hyderabad.
4. The Tahsildar, Ghatkesar Mandal, Medchal-Malkajgiri District.

5. The Gayatri Educational and Cultural Trust, Rep. by its Secretary-cum-Correspondent Smt. Neelima Suryadevara, H.No. 8-2-293/82/NG/32, Nandagiri Hils, Lane-3, Near Jubili Hils Check Post, Jubilee Hils, Hyderabad.

...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 toto issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, aggrieved by the inaction on the part of the 4th respondents in implementing the orders of the 3rd respondents vide Lr.No.2764/GTKR/ Plg/ HMDA/2024 dated 28-08-2024 in demarcating the subject land and in not submitting the revenue sketch map in Sy No. 796 Adm an extent of Ac 1.00 Gts and Ac 1.20 Gts being illegal, irregular and violative of Articles 14 and 21 of the Constitution of India and consequently direct the 4th respondent to implement the directions of the 3rd respondent vide Lr.No.2764/GTKR/Plg/HMDA/2024 dated 28-08-2024 by demarcating the petitioner's landed property with proper boundaries as per the survey reportby further duly submitting the revenue sketch map.

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 4thRespondents to implement the directions of the 3rd respondent vide Lr.No.2764/GTKR/Plg/HMDA/2024 dated 28-08-2024 by demarcating the petitioner's landed property with proper boundaries as per the survey report by further duly submitting the revenue sketch map.

Counsel for the Petitioner : SRI S.VIPLAV SIMHA REDDY

Counsel for the Respondents No.1,2&4 : GP FOR REVENUE

Counsel for the Respondents No.3&5 : --

The Court made the following: COMMON ORDER

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

WRIT PETITION NOs.24255 OF 2023

AND 27634 OF 2024

COMMON ORDER :

W.P.No.24255 of 2023 is filed seeking to declare the action of respondents in giving markings on the petitioner's land in Survey No.796, with its sub-divisions, admeasuring Ac.1.00 gts and Ac.1.20 gts, (vide Mutation Proceedings of the respondent No.3 in Procs.No.B/1782/2016 and B/1783/2016, dated 28.01.2017) situated at Venkatapuram, hamlet of Korremula Village, Ghatkesar Mandal, Medchal-Malkajgiri District, which was purchased by the petitioners through registered document Nos.1818/2015 and 1817/2015 respectively, as illegal, arbitrary, unconstitutional and violative of Articles 14, 21 and 300-A of the Constitution of India.

2. W.P.No.27634 of 2024 is filed to declare the action of respondent No.4 in implementing the orders of respondent No.3 vide Lr.No.2764/GTKR/Plg/HMDA/2024 dated 28.08.2024 in demarcating the subject land and in not submitting the revenue sketch map in Sy.No.796 admeasuring to an extent of Ac.1.00 gts., and Ac.1.20 gts., as illegal, irregular and violative of Articles 14 and 21 of the Constitution of India.

3. Since the subject property and the petitioners in both the writ petitions is one and the same, they being heard together and disposed of by this common order.

4. It is stated that petitioner No.1 is the owner and possessor of the land admeasuring to an extent of Ac.01.00 gts. in Sy.No.796 situated at Venkatapuram, hamlet of Korremula Village, Ghatkesar Mandal, having purchased the subject property under registered Sale Deed *vide* document No.1818/2015 and petitioner No.2 is the owner and possessor of the land to an extent of Ac.01.20 gts. in Sy.No.796 situated at Venkatapuram, hamlet of Korremula Village, Ghatkesar Mandal, having purchased the subject property under registered Sale Deed *vide* document No 1817/2015 and out of the said extent Ac.0.20 guntas was alienated in favour of respondent No.4 *vide* document No.1476/2017. It is further stated that when the adjacent pattedars have disputed the title and possession of the petitioners claiming that part of the lands are forming part of Sy.Nos.796 and 813, the petitioners have submitted F-line application seeking to conduct survey and demarcation of the said lands. It is further stated that questioning the laying of road from the lands through the petitioners' land, W.P.No.24255 of 2023 was filed. The grievance of the petitioners is that even after issuing the

proceedings Lr.No.2764/GTKR/Plg/HMDA/2024 dated 28.08.2024 the respondent authorities are not fixing the boundaries to the said lands as claimed by them.

5. Considered the submissions made by the learned counsel for the parties and with their consent this writ petition is disposed of at the admission stage.

6. It is settled law that mere conducting of survey does not take away the right of either of the parties, even after third parties are found in possession of the properties, the petitioners have to take appropriate steps for eviction of those persons, who are in occupation of the land. Conducting of mere survey does not create any right nor does it take away any vested right in favour of the petitioners.

7. A perusal of the record would show that acting on the F-Line application submitted by the petitioners, the respondent authorities have conducted the survey and demarcation of the land forming part of Sy.No.796 to an extent of Ac.01.00 gts., and Ac.01.20 gts., situated at Venkatapuram, hamlet of Korremula village, Ghatkesar Mandal and also localized the said lands.

8. This Court, without expressing any opinion on the merits of matters and since the petitioners are the owners and possessors of the lands in Sy.No.796 to an extent of Ac.01.00 gts each and the road alleged to have been laid from the said lands, and it is stated that the respondent authorities are not fixing the boundaries in terms of the survey report, dated 28.08.2024, deems it appropriate to dispose of this writ petition directing the respondents to implement the survey report, dated 28.08.2024 by fixing and localizing the subject land with the boundaries.

9. With the above observations, both the writ petitions are disposed of.

Miscellaneous petitions, if any pending in this writ petition shall stand closed. No costs.

SD/-V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Medchal-Malkajgiri District.
3. The Tahsildar, Ghatkesar Mandal, Medchal-Malkajgiri District.
4. The Secretary-cum- Correspondent Smt. Neelima Suryadevara, Gayatri Educational and Cultural Trust, H.No. 8-2-293/82/NG/32, Nandagiri Hills, Lane-3, Near Jubili Hills Check Post, Jubili Hills, Hyderabad.
5. The commissioner, Hyderabad Metropolitan Development Authority, Swarnajayanthi Commercial Complex, 4th floor, Ameerpet, Hyderabad.
6. One CC to SRI S.VIPLAV SIMHA REDDY, Advocate. [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
8. Two CD Copies.

BSK/BSK

HIGH COURT

DATED:09/12/2024



ORDER

WP.NO.24255 OF 2023
&
WP.NO.27634 OF 2024

DISPOSING OF THE WRIT PETITIONS
WITHOUT COSTS

(11)
24/12/24
DR