

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

WEDNESDAY, THE SIXTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 24738 OF 2023

Between:

M. Srinivas Reddy, S/o. Late M Ram Reddy Aged 57 years Occ. Business,
R/o. H.No.7-4-60, Indranagar Nirmal District -504 106

...PETITIONER/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Nirmal District.
3. The Tahsildar, Nirmal Urban Mandal, Nirmal District.
4. The Mandal Surveyor, Nirmal Urban Mandal, Nirmal District.
5. Ravula Yellaiah, S/o Chinna Rajanna Aged 68 years Occ. Business R/o. H. No.7-1-22, adjacent to Nageshwarawada Temple Nagereshawar Wada, Nirmal Municipality, Nirmal

...RESPONDENTS/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 respondent Nos. 3 and 4 in issuing notice dated 30-08-2023 for demarcating the boundaries of the land in Sy No.961 situated at Nirmal Shivar, Nirmal Urban Mandal, Nirmal District as illegal, arbitrary and unconstitutional and consequently set aside the notice dated 30.08.2023

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 stay of all further proceedings pursuant to the notice dated 30.08.2023 for conducting of survey to demarcate the land in Sy No.961 situated at Nirmal Shivar, Nirmal Urban Mandal, Nirmal District

IA NO: 2 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 pass an order vacating the interim stay granted on 05/09/2023 in the above Writ Petition No.24738 of 2023

Counsel for the Petitioner: SRI. NARESH REDDY CHINNOLLA

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: SRI S GANESH RAO

The Court made the following: ORDER

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

WRIT PETITION NO.24738 of 2023

ORDER:

This writ petition is filed seeking to set aside the impugned notice dated 30.08.2023 issued by respondent Nos.3 and 4 to conduct survey and demarcate the boundaries of land in Survey No.961 situated at Nirmal Shivar, Nirmal Urban Mandal, Nirmal District, as illegal and arbitrary.

It is stated that the petitioner is the absolute owner and possessor of land admeasuring Ac.0.30 guntas in Survey No.925/A1 situated at Nirmal Shivar, Nirmal Urban Mandal, Nirmal District, having inherited the same from his father and his name has been recorded in the revenue records and pattadar pass book and title deed have also been issued in his favour. It is further stated that respondent No.5 herein, who is the owner of the adjacent land in Survey No.961, having converted the said land into plots and sold the same in favour of third parties, taking undue advantage of revenue entries in Dharani portal in his favour, made an application on the file of respondent Nos.3 and 4 seeking to conduct survey and demarcate the land in Survey No.961. The grievance of the petitioner is that acting upon the said application, respondent

Nos.3 and 4 issued the impugned notice dated 12.07.2023 to the petitioner for conducting survey and demarcation in respect of land in Survey No.961.

Learned counsel for the petitioner submits that the entire extent of land in Survey No.961 stood in the name of respondent No.5 has already been converted into house plots and sold the same in favour of third parties; there is no land available in his name in the said survey number; taking advantage of stray entries in the revenue records, respondent No.5 is making a false claim over the said land; and as such, in the absence of any document to establish his claim that he is the owner and possessor of the said land, respondent No.5 is not entitled to make any application seeking to conduct survey and demarcation of the said land.

Learned counsel appearing for respondent No.5, on the other hand, submits that even though respondent No.5 sold some of the plots out of Survey No.961, he is still having some open land admeasuring Ac.0.11 guntas unsold; and as such he is entitled to make an application seeking to conduct survey and demarcation of the said land.

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

Since it is stated that the land in Survey No.261 has already been converted into non-agricultural purpose, the survey authorities are not conferred with any power or authority to conduct survey in respect of non-agricultural land and as such, the impugned notice issued by respondent Nos.3 and 4 to conduct survey and demarcation of land in Survey No.261 deserves to be set aside.

Accordingly, the writ petition is allowed and the impugned notice dated 30.08.2023 issued by respondent No.3 and 4 is set aside. It is needless to observe that if respondent No.5 is having any claim over the land, he is at liberty to avail appropriate remedies before the competent Civil Court, in accordance with law.

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

SD/-A.SRINIVAS REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

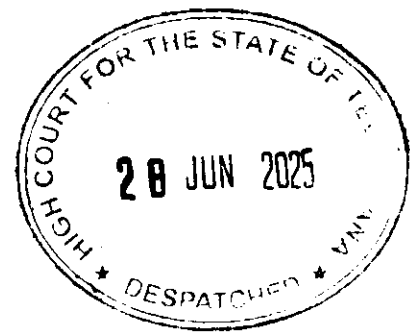
To,

1. The Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Nirmal District.

3. The Tahsildar, Nirmal Urban Mandal, Nirmal District.
 4. The Mandal Surveyor, Nirmal Urban Mandal, Nirmal District.
 5. One CC to SRI. NARESH REDDY CHINNOLLA Advocate [OPUC]
 6. One CC to SRI S GANESH RAO Advocate [OPUC]
 7. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana.
[OUT]
 8. Two CD Copies
- KKS/BSK

HIGH COURT

DATED:16/04/2025



ORDER

WP.No.24738 of 2023

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

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