

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

**THE HON'BLE SRI JUSTICE NINALA JAYASURYA**

**WRIT PETITION No.19322 OF 2023**

Between:-

Smt.Telli Krishnaveni, W/o.Rama Rao

... Petitioner

and

The State of Andhra Pradesh, rep. by its Principal Secretary,  
Revenue Department, and 3 Others ...

Respondents

Counsel for petitioner : Mr.D. Seshasayana Reddy

Counsel for respondents: The G.P. for Revenue

**ORDER:**

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents. With their consent, the Writ Petition is disposed of, at the stage of admission.

2. The present Writ Petition is filed challenging the action of the 4<sup>th</sup> respondent in rejecting the application of the petitioner seeking survey of the land admeasuring Ac.0.50 cents in Survey No.137/1n1, situated at Lakshmipuram village, Kanchili Mandal, Srikakulam District as illegal, unjust, arbitrary etc. and for consequential direction to the respondents to conduct the

Survey and fix the boundaries in respect of the subject matter property, by setting aside the proceedings dated 14.06.2023.

3. Learned counsel for the petitioner made his submissions with reference to the averments made in the Writ Petition and the material filed along with the same. His main contention is that application of the petitioner seeking Survey of the subject matter land was made on 14.06.2023 and it was rejected on the same day, without issuing any notice to the petitioner or even the neighbouring land owners.

4. He further submits that when an application is made seeking for survey and fixation of boundaries, the concerned Tahsildar is required to take appropriate decision in terms of Section 10(1) of the Andhra Pradesh Survey and Boundaries Act, 1923 and intimate the decision thereon to the parties under Section 10(2) of the said Act. Thus, the 4<sup>th</sup> respondent is required to conduct an enquiry as contemplated under law and thereafter fix boundaries. Hence, the rejection proceedings are liable to be set aside.

5. Though learned Assistant Government Pleader for Revenue seeks time to secure instructions in the matter, this court, on perusing the impugned proceedings, is of the opinion that the same has been issued without following due procedure

contemplated under the provisions of the Andhra Pradesh Survey and Boundaries Act, 1923. The legal position in this regard has been succinctly dealt with in the orders dated 19.2.2020 by a learned Judge of this Court in Writ Petition No.2674 of 2020, wherein it is observed that –

*“ Powers of the survey officer to determine and record a disputed boundary is prescribed under Section 10 of the Act. Section 10 (1) of the Act, mandates that where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record in writing the reasons for his decision. Sub-Section (2) of Section 10 of the Act says that notice of every decision of the survey officer under Section 10 (1) shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands, the boundaries of which may be affected by the decision. The effect of the decision of the survey officer under this section is that the successful party is in possession even though the unsuccessful party was really in possession with the result the decision of the survey officer estops the unsuccessful party from urging later on that he was in possession and a decision based on the reports of subordinates is not binding on the parties. In the present facts of the case, the Survey officer did not take any decision as required under Section 10 (1) of the Act and communicated as mandated under Section 10 (2) of the Act to enable the petitioner to file an appeal under Section 11 of the Act. Therefore, inaction of the Survey Officer is contrary to Section 10 (1) of the Act. Hence, I find that it is a fit case to issue a direction to the respondents to take a decision in terms of Section 10 (1) of the Act and communicate the same to the petitioner in terms of Section 10 (2) of the Act, within one (1) month from today.”*

6. Considering the matter in its entirety, this Court is of the considered opinion that the impugned proceedings dated 14.06.2023 are not sustainable in Law and the same are liable to set aside.

7. Accordingly, the Writ Petition is allowed directing the respondent No.4 to take appropriate action on the petitioner's application, within a period of four (04) weeks, by following the due procedure as contemplated under the provisions of the Andhra Pradesh Survey and Boundaries Act, 1923. It is needless to mention that the objections raised by the neighbouring land owners cannot be a ground for refusal to conduct survey. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

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**NINALA JAYASURYA, J**

Date: 02.08.2023  
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