

HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.3121 of 2023

Between:

Sri Layi Nageswara Rao,
S/o. Late Subba Rao, aged 63 years,
Occ:Agriculture, R/o. Gopalapuram Village,
Dwaraka Tirumala Mandal, West Godavari District.

... Petitioner

And

1. The State of Andhra Pradesh
Represented by its Principal Secretary,
Department of Revenue
Secretariat, Amaravathi,
Guntur District and five others.

... Respondents

Counsel for the petitioner : Smt Kalla Tulasi
Durgamba

Counsel for respondents : Learned Government
Pleader for Home and
Learned Government
Pleader for Revenue

:ORDER:

This above writ petition is filed seeking the following relief:

“to issue an appropriate writ, order or direction more particularly one in the nature of Writ of *Mandamus* to declare the action of the respondents in not conducting survey in pursuant to the application made by the Petitioner on 14.06.2022 in respect of the agricultural land in Sy No. 603-1 out of Ac 500 cents to an extent of Ac 100 cents situated at Narayanapuram Sivar Gopalapuram

Village Narayanapuram Gram Panchayat DwarakaTirumala Mandal and not consider the petitioner representation dt 08.06.2022 to grant protection of petitioner and his land while survey the petitioners land by the 3 and 6th Respondent as illegal arbitrary against the principles of natural justice and against all settled principles of law and consequently direct the respondents to conduct survey in pursuant to the application made by the Petitioner on 14.06.2022 in respect of the agricultural land in Sy No. 603-1 out of Ac 500 cents to an extent of Ac 100 cents situated at NarayanapuramSivar Gopalapuram Village Narayanapuram Gram Panchayat Dwaraka Tirumala Mandal and not consider the petitioner representation dt 08062022 to grant protection of petitioner and his land while survey the petitioners land by the 3 and 6th Respondent and to pass such other order..”

2. Petitioner made application on 14.06.2022 to conduct survey of extent of Ac.1.00 cents out of Ac.5.00 cents in Sy.No.603-1 and to fix the boundaries. Since the application was not disposed of, the above writ petition is filed.

3. As per the averments in the affidavit in brief are that petitioner purchased Ac.5.00 cents of land under registered document dated 30.06.2012. Petitioner made application online to conduct survey Ac.1.00 cents and to fix the boundaries. The name of the petitioner was mutated in the records. Pattadar Passbook was issued in favour of the petitioner on 19.01.2023. Since the adjacent landowners are

disputing the extent, petitioner made application through Mee Seva on 14.06.2022 to conduct survey to an extent of Ac.1.00 cents in Sy.No.603-1 at Narayanpuram Sivar, Gopalapuram Village, Dwaraka Tirumala Mandal.

4. Respondent No.5 filed counter affidavit. In the counter affidavit, it was stated that in RS.No.603, as per the record, Ac.45.30 is shown. It was classified as "Zeroyt Dry Land". In Web land adangal RS.No.603/1 noted is only notional subdivision numbers. As per BSO 34 part of the land in survey number cannot be surveyed. Hence, the Mandal Deputy Surveyor could not conduct a survey. It was further contended that resurvey was conducted in the village. After resurvey, petitioner's problem was solved.

5. Heard Smt. Kalla Tulasi Durgamba, learned counsel for the petitioner and learned Government Pleaders Revenue.

6. Petitioner made application through A.P Online on 06.05.2022. The prayer of the petitioner is to measure Ac.1.00 cents of land and to fix the boundaries.

7. In the affidavit, as stated supra, according to the petitioner, application was made in Mee Seva dated 14.06.2022. However, the receipt filed along with the writ petition the date on the receipt is shown as 06.05.2022. Thus

it is not clear from the material papers as to payment made through online.

8. The counter of the respondents would disclose that the land in Sy.No.603 is Ac.45.30 cents and it was not sub-divided. However, as can be seen from the affidavit filed by the petitioner along with the writ petition, it discloses that petitioner's land is shown in Sy.No.603-1. Thus, the contention of respondent No.5 is that the land that was not sub-divided falls to ground. In the counter, in fact, it was contended that the resurvey in the village was conducted.

9. In view of the same, writ petition was disposed of giving liberty to the petitioner to make fresh application through Mee Seva/Grama Sachivalayam to the respondent No.5 i.e. Tahsildar, Dwaraka Tirumala Mandal within a period of four (4) weeks from the date of receipt of the copy of the order. If such an application is made, respondent No.5 shall conduct survey and fix boundaries regarding petitioner's Ac.1.00 cents of land situated at Narayanapuram Sivar, Gopalapuram Village, Dwaraka Tirumala by following the procedure. The concerned authority shall consider the application and conduct the survey and fix the boundaries strictly in accordance with the procedure by duly issuing notices to the

neighboring landowners including the petitioner within a period of six weeks thereafter.

10. With the above direction, this Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending, in this case, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date : 12.05.2023
KAS

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Date : 12.05.2023
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