

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.10585 OF 2020

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Endorsement vide FL.No.FL/1963/2021 dated 23.02.2021 issued by the 3rd respondent as contrary to law without jurisdiction arbitrary and against the principles of natural justice and consequently direct the respondents to conduct the survey and demarcate the boundaries in petitioners lands situated in SyNos. 37/14A, 37/16A, 37/15B, 39/4A and 39/5 an extent of Ac.0-25cents, Ac.0-11cents, Ac.0-07cents, Ac.0-23 cents and Ac.0-09 Cents respectively situated in Dasegowniyuru Revenue Village, Kuppam Mandal, Chittoor District ”

The brief facts of the case are that the petitioner is the absolute owner and possessor of the land in an extent of Ac.0-25cents, Ac.0-11cents, Ac.0-07cents, Ac.0-23 cents and Ac.0-09 Cents in SyNos. 37/14A, 37/16A, 37/15B, 39/4A and 39/5 respectively situated in Dasegowniyuru Revenue Village, Kuppam Mandal, Chittoor District.

Father of the petitioner Sri Syamanna gifted these property to the petitioner through registered Gift Deed vide Document No.1630/2012 dated 07.04.2012 and Document No.353/2017 dated 02.02.2017 registered in the office of Joint Sub-Registrar, Kuppam. The petitioner submitted F-Line application through Mee-Seva for conducting survey and for demarcation of his lands in the above survey numbers by paying requisite fee.

The Village Surveyor issued an undated notice under Section 23 of the Andhra Pradesh Survey and Boundaries Act, 1923, informing the petitioner that the Mandal Surveyor will conduct survey on 20.02.2021 at 11:00 A.M. On the said date, instead of

Mandal Surveyor, the Village Surveyor visited the subject lands and without verifying the documents of this petitioner, informed that she is unable to conduct survey of the said survey numbers and did not fix any boundaries.

Thereupon, the third respondent/Tahsildar issued Endorsement dated 23.02.2021 stating that the survey numbers mentioned in the representation of the petitioner have not been subdivided as per the Government Records, due to refusal by the boundary owners and as per BSO 34-A, Para 20(a), the lands cannot be demarcated. Hence, the petitioner questioned the Endorsement dated 23.02.2021 issued by the third respondent/Thasildar.

Though the petitioner made several allegations against the respondents, during hearing, learned counsel for the petitioner requested this Court, without touching the merits of the case, to permit the petitioner to submit application for sub-division and demarcation of the subject property.

Learned Assistant Government Pleader for Revenue fairly conceded that, if the petitioner submits any application for sub-division and demarcation of the property, the respondents would dispose of the same in accordance with law.

In view of the submission of learned counsel for the petitioner and learned Assistant Government Pleader for Revenue, liberty is granted to the petitioner to submit application through Mee-Seva/Online for sub-division and demarcation of the property, on payment of requisite fee.

In the result, the writ petition is disposed of, granting liberty to this petitioner to submit application through Mee-Seva/ Online for sub-division and demarcation of the property, on payment of requisite fee.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:28.07.2021

SP