

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 36669 OF 2022



Between:

Hemasundar Constructions situated at Darmavaram, rep.by its Managing Partner,
M.Hema Sundar Reddy, S/o. Narayana Reddy, aged about 35 year.

...Petitioner

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, rep., by its Principal Secretary, Survey Settlement and Land Records Department, Secretariat Buildings, Velgapudi, Amaravati, Guntur District
3. The District Collector, Kurnool District, Kurnool.
4. The Assistant Director of Survey and Land Records, Kurnool District, Kurnool.
5. The Revenue Divisional Officer, Kurnool Revenue Division, Kurnool, Kurnool District.
6. The Tahsildar, Kurnool Rural Mandal, Kurnool District.
7. The Mandal Surveyor, Kurnool Rural Mandal, Kurnool District.
8. The A.P State Finance Corporation, rep., by its Branch Manager, Kurnool Branch, B.Camp, Kurnool, Kurnool District.

...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 pass an appropriate Writ more particularly one in the nature of Writ of Mandamus declaring the Endorsement in Rc.B.1091/2022, dated 07.11.2022 issued by the respondent No.6 at the instance of respondent No.5, postponing the survey to be conducted by the respondent No.7 for the land in an extent of Ac.2.58 cents in Sy.No.92 of Dinneperupadu Village, Kurnool Mandal, Kurnool District on 07.11.2022 as one without jurisdiction and bereft of power, arbitrary, illegal, colourable exercise, contrary to the well established legal principles and the Andhra Pradesh Survey and Boundaries Act, 1923 and Board Standing Orders apart from being violative of the fundamental and Constitutional rights guaranteed to the petitioner under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently set aside the Endorsement in Re.B.1091/2022, dated 07.11.2022 issued by the respondent No.6;

IA NO: 1 OF 2022

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 suspend the operation of the Endorsement in Rc.B.1091/2022, dated 07.11.2022 issued by the respondent No.6, pending disposal of WP 36669 of 2022, on the file of the High Court.

IA NO: 2 OF 2022

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 respondent No.7 to conduct survey and demarcate the boundaries for the land in an extent of Ac.2.58 cents in Sy.No.92 of Dinneperupadu Village, Kurnool Mandal, Kurnool District out of the total extent of Ac.10.76 in Sy.No.92 of Dinneperupadu Village, Kurnool Mandal, Kurnool District, pending disposal of WP 36669 of 2022, on the file of the High Court.

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 appoint an advocate commissioner for conducting the survey and fixation of boundaries for the land in an extent of Ac.2.58 cents in Sy.No. 92 of Dinneperupadu Village, Kurnool Mandal, Kurnool District, pending disposal of WP 36669 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated 15.11.2022 made herein and upon hearing the arguments of Sri P Mastan Vali, Advocate for the Petitioner and of GP for Revenue for Respondent Nos.1 to 7, Sri G.R.Sudhakar, Standing Counsel for Respondent No.8, the Court made the following

ORDER:

“When the matter is taken up for consideration, it is brought to the notice of this Court that this Court, *vide* order dated 15.11.2022, has directed the 7th respondent to conduct survey and demarcate the boundaries of the subject land by following the procedure contemplated under law.

Learned counsel for the petitioner as well as learned standing counsel for Finance Corporation appearing for respondent No.8 collectively submitted that a date has been fixed for conducting survey and on that date the petitioner as well as the officials from Finance Corporation have appeared, but the surveyor made them waited till 2.00 P.M., and abruptly left the place without giving any reasons. To the said effect, Finance Corporation filed counter and learned counsel for the petitioner filed affidavit along with Interlocutory Application and draw the attention of this Court to the same.

On the other hand, learned Assistant Government Pleader for Revenue appearing for respondent No.2 filed counter contending that the surveyor has already surveyed the subject land and submitted a report to the 6th respondent.

When the parties have filed an affidavit stating that no survey has been conducted, it is very surprised to see how counter has been filed stating that the survey has been conducted.

To know the correct facts, this Court feels it appropriate to give the following direction to the 3rd respondent-Collector.

The 3rd respondent-District Collector, Kurnool District is directed to enquire as to whether any survey has been conducted by 7th respondent-surveyor in the subject land and file report to the said effect before this Court by 15.06.2023.

Post on 15.06.2023."

//TRUE COPY//

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The District Collector, Kurnool District, Kurnool.(By Speed Post)
2. The Assistant Director of Survey and Land Records, Kurnool District, Kurnool.
3. The Revenue Divisional Officer, Kurnool Revenue Division, Kurnool, Kurnool District.
4. The Tahsildar, Kurnool Rural Mandal, Kurnool District.
5. The Mandal Surveyor, Kurnool Rural Mandal, Kurnool District.
6. The Branch Manager , A.P State Finance Corporation, Kurnool Branch, B.Camp, Kurnool, Kurnool District.(2 to 6 By RPAD)
7. One CC to SRI. P MASTAN VALI, Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
9. One CC to SRI G.R.SUDHAKAR, COUNSEL [OPUC]
10. One spare copy.

MSB

HIGH COURT

RC,J

DATED:28/04/2023

ORDER

POST ON 15.06.2023

WP.No.36669 of 2022

INTERIM DIRECTION

