

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

IA No. 1 OF 2022

IN

WP 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

(Petitioner in WP 36669 OF 2022
on the file of High Court)

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

(Respondents in-do-)

Counsel for the Petitioner : SRI P MASTAN VALI

Counsel for the Respondent Nos. 1 to 7 : ASSISTANT GP FOR REVENUE

Counsel for the Respondent No.8 : SRI G.R.SUDHAKAR, COUNSEL

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 No. 36669 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

"Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing on behalf of respondent Nos.1 to 7. Mr.G.R.Sudhakar, learned counsel takes notice on behalf of respondent No.8.

Learned counsel for the petitioner, while drawing the attention of this Court to the Interim orders dated 30.9.2022 in Writ Petition No.31373 of 2022, inter alia submits that the impugned endorsement issued by the 6th respondent is without jurisdiction in as much as it is Mandal Surveyor, who is competent Authority to undertake survey in terms of the provisions of the Andhra Pradesh Survey and Boundaries Act, 1923 as also contemplated under B.S.O. 34-A of the Andhra Pradesh Board of Revenue Standing Orders.

Learned counsel also submits that the impugned endorsement is also not sustainable, in the light of the Interim Orders dated 30.9.2022. Accordingly, he seeks interim directions, as prayed for.

Learned Assistant Government Pleader for Revenue, while placing a copy of the instructions dated 15.11.2022 received from the 6th respondent, inter alia submits that in view of the representation made by some third parties, the 6th respondent issued the endorsement dated 07.11.2022 and the same cannot be found fault with.

This Court has considered the submissions made and finds merit in the contentions raised in the writ petition. Hence, there shall be interim suspension of the impugned endorsement dated 07.11.2022 issued by the 6th respondent, as prayed for."

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh , Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Principal Secretary, Survey Settlement and Land Records Department, State of Andhra Pradesh , 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 Branch Manager , A.P. State Finance Corporation, Kurnool Branch, B.Camp, Kurnool, Kurnool District.(1 to 8 By RPAD)
9. One CC to SRI. P MASTAN VALI, Advocate [OPUC]
10. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
11. One CC to SRI G.R.SUDHAKAR, COUNSEL [OPUC]
12. The Section officer, Writ (Non Service) Section, High Court of AP
13. The Section officer, Posting Section, High Court of AP
14. One spare copy

RVK

HIGH COURT

NJSJ

DATED:15/11/2022

NOTE: LIST THE MATTER AFTER FOUR WEEKS ALONG WITH
WRIT PETITION NO.31373 OF 2022.

ORDER

IA No. 1 OF 2022
IN
WP NO: 36669 OF 2022

DIRECTION

SUSPENSION

