

APHC010148582022



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3332]**

THURSDAY ,THE TWENTY FOURTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO: 11975/2022**

**Between:**

B.venkatesulu

**...PETITIONER**

**AND**

The State Of Andhra Pradesh and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.MANOJ KUMAR BETHAPUDI

**Counsel for the Respondent(S):**

1.GP FOR REVENUE

**The Court made the following:**

**ORDER**

The grievance of the petitioner is that his application dated 16.02.2022 to conduct survey of his land admeasuring Ac.0.45 cents and Ac.0.66 cents in Survey No.273/1D & 273/1A respectively situated in Nindra village & Mandal, Chittoor District was rejected by respondent no. 4, vide F.L.No.FL/19817/

2022, dated 16.03.2022, in violation of Articles-14,21 and 300-A of the Constitution of India.

2. Heard Sri B.Manoj Kumar, learned counsel for the petitioner, and the learned Assistant Government Pleader.

3. Sri B.Manoj Kumar, learned counsel for the petitioner, in elaboration would contend that the application submitted by the petitioner for conducting survey and demarcating his land was rejected by respondent no.4 on the ground that the subject land was not sub-divided in government records and hence survey could not be conducted. The reason given for rejection is untenable in view of the orders dated 31.08.2021 passed by a co-ordinate bench of this Court in W.P.No.16868 of 2021 that rejection of application on the ground that sub-division has not taken place is a patent illegality and further it is incumbent upon the officials of Survey Department to survey private lands as observed by composite High Court in ***Muramalla Padmavathi v. State of Andhra Pradesh*** [2016(3) ALD 650]. Therefore, the rejection order passed by respondent no.4 is unsustainable and untenable and violative of Articles-14, 21 and 300-A of the Constitution. Accordingly, prayed to set aside the rejection orders impugned in this writ petition and

direct the respondent authorities to conduct survey and demarcate the subject lands.

4. On the other hand, the learned Assistant Government Pleader while reiterating the contents of the counter-affidavit would further contend that pursuant to the application filed by the petitioner, notices were issued to adjacent land owners as required under section 10 of the Andhra Pradesh Survey & Boundaries Act, 1923 and in pursuance thereof, one of the adjacent landowners, submitted a representation raising objection for conducting survey stating that there is a pending civil dispute over the said property covered by Caveat No.3 of 2022 on the file of Junior Civil Judge's Court, Nagari and therefore, the application of the petitioner was rejected. There is neither illegality nor procedural irregularity in the impugned orders and the same does not require any interference of this Court. Accordingly, prayed to dismiss the writ petition.

5. Perused the material available on record and considered the submissions made by the learned counsel. The petitioner's application for conducting survey and demarcation was rejected as per Para 20(a) of 34A of the Board Standing Orders as the adjacent boundary holder did not consent for survey and as there was no sub-division of land as per government

records. Since the application was not rejected on the sole ground of no subdivision of land as per government records, the decisions relied on by the learned counsel for the petitioner are not applicable to the facts of the case.

6. Section -11 of the Andhra Pradesh Survey and Boundaries Act, 1923 (Act No. VIII of 1923) provides for appeal to the persons aggrieved by the orders passed under Sections 9 and 10 of the Act. Thus, the Act provides an alternate efficacious remedy to the persons aggrieved by rejection of applications filed for conducting survey and demarcation of lands. Therefore, this writ petition filed without exhausting efficacious remedy provided under the Act is not maintainable and the same deserves dismissal.

7. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed. Interim orders, if any, shall stand vacated.

**JUSTICE RAVI CHEEMALAPATI**

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