

**IN THE HIGH COURT OF TELANGANA AT HYDERABAD**

**CONTEMPT CASE No.1508 OF 2019**

Between:

N.Venkateswara Reddy

... Petitioner

And

Mr.M.Ramachander and another

... Respondents

JUDGMENT PRONOUNCED ON: 11.09.2023

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes  
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes  
see the fair copy of the Judgment?

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**SUREPALLI NANDA, J**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA****CONTEMPT CASE No.1508 OF 2019**

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Between:

# N.Venkateswara Reddy

... Petitioner

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> Head Note:

! Counsel for the Petitioner : Mr. Botla Venkateswara Rao

^ Counsel for Respondents : G.P. for Revenue

? Cases Referred:

**HON'BLE MRS JUSTICE SUREPALLI NANDA****C.C. No.1508 of 2019****ORDER:**

**Heard Mr.Botla Venkateswara Rao, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing on behalf of the respondents.**

2. The Contempt Case is filed complaining violation of the orders of this Court dated 20.08.2018 passed in W.P.No.29143 of 2018 in the said writ petition the party respondent Nos.1 and 2 as arrayed are, The State of Telangana, represented by its Secretary, Revenue Department, Secretariat, and The Assistant Director, Survey and Land Records, Medchal Malkajgiri District, and the order passed is as under:

"The present writ petition came to be filed seeking to declare the action of the respondents in not considering the representation dated 26.04.2018, submitted by the petitioner to survey the land admeasuring Ac.2.34 gts., situated at Sy.No.45 of Shamshiguda Village, Kukatpally Mandal, Medchal District, as illegal and arbitrary.

When the matter is taken up for hearing, learned Government Pleader for Revenue would submit that the writ petition may be disposed of directing the 2<sup>nd</sup>

respondent to conduct the survey of the subject land of the petitioner.

**Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to deal with the application/representation dated 26.04.2018 of the petitioner and conduct the survey of the land of the petitioner admeasuring Ac.2.34 gts situated at Sy.No.45 of Shamshiguda Village, Kukatpally Mandal, Medchal District, at the earliest, preferably within a period of two months from today, by informing the date and time of survey to the petitioner.**

With the above direction, the writ petition is disposed of."

**3. The present contempt case is filed however curiously impleading Joint Collector and Additional District Magistrate, Medchal Malkajgiri District as 2<sup>nd</sup> respondent in C.C.No.1508 of 2019 and further complaining violation of the orders of the Court dated 20.08.2018 passed in W.P.No.29143 of 2018.**

**PERUSED THE RECORD:**

**4. Counter affidavit filed by the 1<sup>st</sup> respondent, in particular para 4, reads as under:**

"I state that, in compliance of the Order of the Hon'ble High Court, this respondent has directed the Deputy Inspector of Survey, Office of the Assistant Director, Survey & Land Records, Medchal-Malkajgiri District to take necessary action for conducting Survey. In turn, the Deputy Inspector of Survey had issued Survey Notices to the petitioner and other concerned persons, vide Rc.No.A2/732/2018, dated 22.11.2018 fixing the date of Survey on 28.11.2018. The petitioner had failed to show the possession of the Writ Scheduled land and the Possessors of the land, have raised objections for conducting Survey. Then the Survey was postponed and another Survey Notice was issued on 13.12.2018 fixing the date of Survey on 19.12.2018 the Survey could not be conducted due to the objections of the Possessors who fenced the land, to comply the Orders of Hon'ble Court, this respondent has issued several Survey Notices i.e., 25.04.2019, 10.05.2019, 18.07.2019, 31.07.2019 and 30.08.2019. Copies of the Notices are filed herewith for kind perusal of the Hon'ble High Court. The occupants have fenced the land and the petitioner is not in the possession of the land and there was law and order problem, the petitioner has requested the second respondent seeking Police Protection. In turn, the second respondent had addressed a letter to the Tahsildar, Kukatpally for arranging Police Protection for conducting Survey vide letter Rc.No.A2/732/2018, dated:20.07.2019. A copy of the Letter is filed herewith for kind perusal of the Hon'ble High Court. **In the above circumstances and due to the objections of Sri Shankar and others, the**

**Survey was not conducted. Hence, this respondent has issued a "MEMO" in Rc.No.A2/732/2018, dated 30.09.2019 and the same was served to the petitioner on 24.10.2019. A copy of the Memo is filed herewith for kind perusal of the Hon'ble High Court."**

**5. Counter affidavit filed by the 2<sup>nd</sup> respondent, in particular para 4, reads as under:**

"I submit that the respondent No.2 of the CC.No.1508 of 2019 does not appear as party respondent in the W.P.No.29143 of 2018, however, with utmost respect towards this Hon'ble Court and the orders issued by this Hon'ble Court, I submit the chronological events pertaining to the case of the petitioner in W.P.No.29143 of 2018 and the CC No.1508 of 2019, as under:

Sl. No.	Name of the Document & date of order	Relevant para of the orders in the WP or WA	Submissions of the Respondent.
1.	W.P.No.20143 of 2018 dated 20.08.2018	Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 2 <sup>nd</sup> respondent to deal with the application/representation dated 26.04.2018 of the petitioners and conduct the survey of the land of the petitioner admeasuring Ac.2.34 gts situated at Sy.No.45 of Shamshiguda Village, Kukatpally, Mandal, Medchal District, at the earliest, preferably within a period of two months from today, by informing the date and time of survey to the petitioner."	Ac.2.34 gts situated at Sy.No.45 of Shamshiguda Village, Kukatpally Mandal, Medchal District.
2.	W.A.No.523 of 2019 dt:22.11.2021	In the considered opinion of this Court, the learned Single Judge has commented upon the title in respect of the property in question and has simply directed for a survey to be conducted in the matter not. In the light of the aforesaid, it is made clear that the survey so conducted in the matter will not affect the rights of the parties and the learned Single Judge has not decided any title dispute in respect of the writ petitioner and the present appellants. The writ petitioner and the present appellants shall be free to proceed ahead, in accordance with law, in respect of title and other rights in respect of the property in question.	The W.A. was filed by Kondadi Hanumantha Rao and (3) others against Sri N.Venkateshwara Reddy, the petitioner in W.P.No.29143.
3.	Memo	"as per the registered sale deed doct.No.3278 of	The contemnor

	No.A/732/2 018 dt. 30.09.2019 of Asst. Director (S&LRs) Medchal- Malkajgiri District.	2018 dt.13.04.2018 of the petitioner, it shows that an extent of 1380 Sq.yards. In Sy.No.45 Shamshiguda village. But in the W.P.No.29143 of 2018 claiming the land an extent of 2.34 gts. For conducting survey and demarcation the petitioner has not produced any documentary evidence in support of the claim for conducting Survey admeasuring Ac.2.34 gts situated at Sy.No.45 of Shamshiguda Village, Kukatpally Mandal, Medchal District. Hence, as per the circular of Commissioner Survey, Settlements & Land Records AP, Hyderabad R.C.No.N2/1741/2010 dated:18.05.2010 the plots cannot be surveyed accordingly, petitioner's application cannot be considered and the application is rejected".	No.2 in C.C.was relieved from the post of Joint Collector & Addl. District Magistrate, Medchal-Malkajgiri District on 11.09.2019 and was not instrumental in stopping the conducting of the Survey or using clout to obstruct the conduct of survey as per rules.
4.	O.S.No.114 of 2019 filed on 05.04.2019 before the Hon'ble Court of XV Addl. Dist. Judge, Ranga Reddy District, by Nandyala Venkateswara Reddy, the petitioner in CC No.1508 of 2019.	<u>PRAYER:</u>  1. Passing a Decree and Judgment by declaring the Plaintiff is the absolute title holder of the Suit Property. 2. To grant perpetual Injunction restraining the Defendants from interfering with the peaceful possession of the plaintiff over the suit property. 3. XX XX 4. XX XX	

I respectfully with utmost respect towards this Hon'ble Court submit that Respondent No.2 in C.C. No.1508 of 2019 has not interfered with due process of Law in conducting the Survey or used any Power to obstruct the survey. It is pertinent to state that I got relieved on 11.09.2019 from the post of Joint Collector & Addl. District Magistrate, Medchal-Malkajgiri District and in no way acted to undermine the orders of this Hon'ble Court or acted in any manner disobeying the orders of this Hon'ble Court."

**6. The order passed by this Court dated 20.08.2018 in W.P.No.29143 of 2018 is two fold:**

(i) a direction to the 2<sup>nd</sup> respondent to deal with the application/representation dated 26.04.2018,

(ii) to conduct survey of the land of the petitioner admeasuring Ac.2.34 gts., situated at survey No.45 of Shamshiguda Village, Kukatpally Mandal, Medchal District, at the earliest preferably within a period of two (02) months from the date of the said order i.e., 20.08.2018 by informing the date and survey of the time to the petitioner.

**7. A bare perusal of the contents of the Memo dated 30.09.2019 vide No.A2/732/2018 forwarded to the petitioner reads as under:**

**“GOVERNMENT OF TELANGANA  
(SURVEY & LAND RECORDS DEPARTMENT)**

Office of the Asst. Director  
(SQLRs) Medchal-Malkajgiri  
Dist.

**M E M O**

No. A2/732/2018

Date 30-09-2019

Sub: -Hon'ble High Court of Hyderabad orders in W.P. No. 29143 of 2018 demarcation of Sy.No.45 to an extent of Ac. 2-34 gts, situated at Shamshiguda village of Kukatpally Mandal – intimation - Reg.

Ref: - 1)A/o Sri N. Venkateshwar Reddy dt. 26-04-2018 & 24-12-2018  
2) Orders of the Hon'ble High Court Hyd, in W.P. No. 29143/2018 dt 12-8-2018  
3) Regional Dy. Director Survey & Land Records, Hyderabad Re. No. A5/390/2018 dt. 11-02-2019 received on 2-4-2019.  
4) A/o Sri N. Venkateshwar Reddy dt. 17-05-2019.  
5) Endorsement of the Joint Collector, Medchal-Malkajgiri Dist. On 27-05-2019.  
6) This file Rc. No. A2/732/2018 allotted to the Dy.IOS  
7) Report of the Dy. Inspector of Survey on 23-09-2019  
8) Commissioner Survey Settlement & Land Records, A.P. Hyderabad Circular No. N1/6543/1999 dt. 25-07-2001.  
9) Commissioner Survey Settlement & Land Records, A.P. Hyderabad D.O.Rc.No.N1/4296/2012 dt. 22-08-2012.  
10) Commissioner Survey Settlement & Land Records, A.P.Hyderabad Circular No.N2/1741/2010 dt. 18-05-2010.



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With reference to the above, you have requested to conduct demarcation as per orders of the Hon'ble High Court in W.P.No.29143/2018 dt:12-08-2018 land bearing Sy.No.45 admeasuring Ac.2-34 gts situated at Shamshiguda Village of Kukatpally Mandal, Medchal Malkajgiri District vide reference 1<sup>st</sup> and 2<sup>nd</sup> cited.

With reference to 3<sup>rd</sup> to 6<sup>th</sup> cited, the Regional Dy.Director S&LRs Hyderabad & Joint Collector, Medchal-Malkajgiri District has directed to this office to conduct the survey of the land in Sy.No.45 of Shamshiguda village, as per rules and circular instructions issued by the Commissioner, Survey, settlements and Land Records, Hyderabad. The file was allotted to the Dy.Inspector of Survey, Keesara Division, for conducting survey of the subject land and report compliance.

As per report of the report of the Deputy Inspector of Survey, he has issued survey notices to all concerned to conduct of land in Sy.No.45 of Shamshiguda village of Kukatpally Mandal and date of demarcation was also fixed on 10.05.2019 and subsequently fixed the dates on 31.07.2019 & 30.08.2019. On the said notices one Sri Kasani Shankar, S/o.Balaraj filed objections. Due to those objections the survey was not conducted and on verification of objections and records it is found that as per the registered sale deed Doct.No.3278 of 2018 dt:13.04.2018 of the petitioner it shows that an extent of 1380 Sq. Yards in Sy.No.45 of Shamshiguda Village. **But in the WP No.29143 of 2018 petitioners are claiming the land to an extent of Ac.2.34 gts for conducting survey and demarcation and the petitioner has not produced any documentary evidence in support of the claim for conducting survey.**

"As per circular instruction of the Commissioner Survey Settlement & Land Records, Hyderabad, vide reference No.8 to 10 it is cited, as follows:

- a) Every F-Line demarcation application shall be accompanied by a Xerox copy Pattadar passbook or a copy of the latest adangal/Pahani.
- b) Demarcation application without such supportive or evidential document is rejected.

- c) In village site poramboke, houses and plots should not be measured as subdivisions except for public purpose like LA, house sites, alienation etc., as it is quite unwieldy and inconvenient to incorporate numbers houses/plots."

### **DISCUSSION & CONCLUSION:**

8. A bare perusal of the contents of the Memo dated 30.09.2019 vide No.A2/732/2018 of the Inspector of Survey, Survey & Land Records Medchal-Malkajgiri District clearly indicates that survey notices had been issued to all concerned to conduct survey of land in survey No.45 of Shamshiguda Village of Kukatpally Mandal and date of demarcation was also fixed on 10.05.2019 and subsequently the dates were fixed on 31.07.2019 and 30.08.2019. But then, in response to the said notices one Sri Kasani Shankar, S/o.Balraj, had filed objections and on verification of the objections and records it was found that as per registered sale deed document No.3278 of 2018 dated 13.04.2018 it is evident that an extent of 1380 sq. Yards is in survey No.45 of Shamshiguda Village and the petitioner had been claiming an extent of Ac.2.34 guntas for conducting survey and demarcation. **But however, the petitioner had not produced any documentary evidence in support of the claim for conducting survey. The Inspector of Survey, Survey and Land Records, Medchal-Malkajgiri District, vide Memo dated 30.09.2019 vide No.A2/732/2018**

**rejected the representation/application of the petitioner  
stating as under:**

"As per circular instruction of the Commissioner Survey Settlement & Land Records, Hyderabad, vide reference No.8 to 10 it is cited, as follows:

- a) Every F-Line demarcation application shall be accompanied by a Xerox copy Pattadar passbook or a copy of the latest adangal/Pahani.
- b) Demarcation application without such supportive or evidential document is rejected.
- c) In village site poramboke, houses and plots should not be measured as subdivisions except for public purpose like LA, house sites, alienation etc., as it is quite unwieldy and inconvenient to incorporate numbers houses/plots.

Hence as per the above circular instructions the petitioner's application cannot be considered and the application is rejected."

9. A bare perusal of the counter affidavit also clearly indicates that the 2<sup>nd</sup> respondent had been relieved from the post of Joint Collector and Additional District Magistrate, Medchal-Malkajgiri District on 11.09.2019 itself and Contempt had been filed subsequent to the 2<sup>nd</sup> respondent's retirement on 16.09.2019 and the 2<sup>nd</sup> respondent is not even party respondent in Main

W.P.No.29143 of 2018. This Court opines that in view of the clear observations in the order of the Court dated 20.08.2018 in W.P.No.29143 of 2018 directing the 2<sup>nd</sup> respondent thereunder who is the 1<sup>st</sup> respondent in the present Contempt Case to deal with the application/representation dated 26.04.2018 of the petitioner, this Court opines that the same had in fact been complied with by the respondents. But however, actual survey could not be done due to the reasons as explained in the Memo dated 30.09.2019 issued to the petitioner herein. Duly taking into consideration the averments made in the counter affidavit filed by the 1<sup>st</sup> respondent and the 2<sup>nd</sup> respondent, this Court opines that there is no Contempt as alleged by the petitioner against the respondents herein due to the reasons as evident in Memo dated 30.09.2019 vide No.A2/732/2018 of the Inspector of Survey, Survey and Land Records, Medchal-Malkajgiri District(referred to and extracted above) forwarded to the petitioner herein.

10. This Court is of the firm opinion that the directions to the 2<sup>nd</sup> respondent in W.P.No.29143 of 2018 to deal with the application of the petitioner had been complied

**with and the same was dealt by the 2<sup>nd</sup> respondent authority in W.P.No.29143 of 2018 in accordance to law and orders passed.**

**11. Taking into consideration the specific averments made in para '4' of the counter affidavit filed by the 1<sup>st</sup> and 2<sup>nd</sup> respondent herein in the present Contempt Case and duly taking into consideration the contents of the Memo No.A2/732/2018 dated 30.09.2019 of the Inspector of Survey, Survey and Land Records, Medchal-Malkajgiri, this Court is of the firm opinion that there is no contempt as alleged by the petitioner, and accordingly the same is dismissed. However, there shall be no order as to costs.**

Miscellaneous petitions, if any, pending shall stand closed.

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**SUREPALLI NANDA, J**

Date: 11.09.2023

Note: L.R.Copy to be marked.  
(B/o) Yvkr.

**HON'BLE MRS JUSTICE SUREPALLI NANDA**

**C.C. No.1508 of 2019**  
(L.R.Copy to be marked)

**Dated: 11-09-2023**

***Yvkr***