



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

[3535]

FRIDAY, THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

WRIT APPEAL NO: 819/2024

Between:

Manthana Praveen Kumar

...APPELLANT

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Appellant:

1.JAMI MADHAVI

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.AMICUS CURIAE

3.S LAKSHMINARAYANA REDDY

4.K V ADITYA CHOWDARY

The Court made the following Judgment:

(per Hon'ble Sri Justice R. Raghunandan Rao)

Heard Sri B. V. Narayana Rao, learned counsel appearing for
Smt. J. Madhavi, learned counsel appearing for the appellant, Sri K. V. Aditya
Chowdary, learned counsel appearing for the private respondents, learned

Government Pleader for Revenue appearing for the official respondents and Sri S. Lakshmi Narayana Reddy, learned Amicus Curiae.

2. The appellant herein claims ownership and possession of two extents of land admeasuring Ac.6.75 cents and Ac.5.05 cents, aggregating to Ac.11.80 cents in Sy.No.132/1 of Kona Village, Machilipatnam Mandal, Krishna District. These lands are said to have been purchased by the appellant, by way of a deed of sale, dated 04.07.2007, bearing document No.3509/2007 and another deed of sale, dated 18.01.2008, bearing document No.250/2008.

3. The appellant has approached this Court with the complaint that the Deputy Inspector of Survey, in the office of the District Collector, Machilipatnam, had pasted a notice on 09.09.2024, informing the appellant that a survey of the land would have to be conducted at the behest of the private 6th respondent, under the provisions of the A.P. Survey and Boundaries Act, 1923 (here-in-after referred to as the "1923 Act").

4. The complaint of the unofficial 6th respondent is that, she is the owner of about Ac.2.00 of land, which is in the illegal possession of the appellant, and that the appellant should be evicted from this land and the same should be handed over to the unofficial 6th respondent, after due survey.

5. A learned Single Judge of this Court dismissed the Writ Petition on the ground that it would only be appropriate that a survey be conducted in

as much as the unofficial 6th respondent was also claiming title through a deed of sale and only a survey could resolve the issue.

6. Aggrieved by the said order, dated 12.09.2024, the appellant has approached this Court, by way of the present Writ Appeal.

7. This Court, by an order, dated 30.09.2024, had stayed the conduct of such survey. In view of the questions of law that arise in the present case, this Court had requested Sri S. Lakshmi Narayana Reddy, learned counsel to act as Amicus Curiae in the matter.

8. The issue before this Court was whether a survey of a private land, at the request of a private individual, could be conducted under the provisions of the 1923 Act. In the event that there is no such provision, whether any survey should be conducted under any other provision of law or guidelines set out by the Revenue Department.

9. The question of whether a survey could be conducted under the provisions of the 1923 Act came up before a learned Single Judge of the erstwhile High Court of Judicature at Hyderabad, for the State of Telangana and for the State of Andhra Pradesh, in the case of ***RachakondaNagaiah vs Government of Andhra Pradesh & Others***¹.

10. The learned Single Judge, after analyzing the provisions of the 1923 Act, had held that there was no power to conduct a survey, under this

¹ 2013 (3) ALD 156

Act, of private land and the boundaries of such private land, as there is no specific provision in the Act for conduct of such a survey. This Judgment was assailed, by way of W.A.No.100 of 2013, which came to be allowed on 14.06.2013, by setting aside the Judgment of the learned Single Judge. The Division Bench held that in view of the circular, dated 22.08.2012, issued by the Government, the demarcation of survey Nos. would be sufficient reason for the Revenue Officials to survey the land, on the request made by the parties, subject to their furnishing relevant documents. This view of the Division Bench was followed by another Division Bench in W.A.No.1003 of 2013, dated 16.07.2013. Subsequently, a learned Single Judge of the erstwhile High Court of Andhra Pradesh, in a Judgment reported in the case of ***Muramalla Padmavathi vs. State of Andhra Pradesh & Others***², had held that there can be no prohibition of survey of private lands, merely because there is no specific provision in the 1923 Act. On the other hand, the Hon'ble High Court of Kerala in the case of ***Kochi Devaswon Board vs Union of India***, in W.P(C) No.27754 of 2019, dated 14.09.2023 and the Hon'ble High Court of Judicature at Madras in the case of ***C. SabesanChettiar (Deceased) & Others vs. The District Revenue Officer***³ appear to have taken a slightly different view. The findings of the said Judgments, with due respect, are not being considered, in as much as the said Judgments would only have

² 2016 (3) ALD 650

³ 2011 (2) CWC 337 : 2012 (1) MLJ 232

persuasive value whereas there are binding precedents available in this Court itself.

11. The learned Single Judge, in the case of ***RachakondaNagaiah*** (stated supra), had undertaken an extensive review of the provisions of the 1923 Act as well as the circular, dated 01.06.1989, issued under the provisions of A.P. Record of Rights in Lands & Pattadar Pass Books Act, 1971 (here-in-after referred to as the “1971 Act”) and had held that neither the 1923 Act nor the 1971 Act empowers the authorities under these Acts to conduct survey of private lands. The learned Single Judge held that in the absence of any statutory application for conduct of survey, a private person cannot claim, as of right, that a survey should be done as and when requested by such a party.

12. In the appeal filed against this Judgment, a Division Bench of the erstwhile High Court of Andhra Pradesh had set aside the Judgment of the learned Single Judge. The Division Bench noticed that the Government had issued various circulars including circular in R.C.No.N1/6543/99, dated 25.07.2001, circular in R.C.No.N2/1741/2010, dated 18.05.2010, based on Board Standing Order No. 34-A of paragraph 20 as well as another circular issued by the Commissioner, Surveys, Settlement of Land Records, vide D.O.Rc.No.N1/4296,2012, dated 22.08.2012, wherein instructions were issued for conduct of survey at the request made by parties. The Division Bench held that in view of the circular, survey of lands can be done at the

request of private parties. The Division Bench had also directed that the survey, in that case, was to be conducted as per the circular instructions/guidelines/Board Standing Orders issued by the Government. The subsequent Judgments continue to direct the conduct of surveys.

13. The Division Bench, in the earlier Judgments, in the Writ Appeals, had referred to B.S.O. 34-A. However, the said order was not considered in detail. In view of the continuing dispute as to the right and authority, of the revenue and survey authorities, to conduct survey of private land, it appears necessary to advert to these provisions in greater detail.

14. B.S.O. No.31 relates to transfer of holdings in the register of holdings. The said B.S.O. classifies all transfers into three categories. Firstly, voluntary transfer of title; secondly, compulsory transfer of title, by virtue of Court orders and thirdly, transfer of title by succession. Apart from this, the B.S.O. also takes into account transfer, in favour of persons, proving possession for 12 years or more. The B.S.O., after recognizing these categories of transfer, also provides for applications to be made for necessary changes in the register of holdings and the Revenue Records. This B.S.O. also envisages sub divisions arising out of such transfers B.S.O. 34-A deals with maintenance of revenue records and registrations. Rule 10 of B.S.O.34-A provides for creation of Sub-divisions or new survey fields under Rule 10 (1). Rule 10 (2) (d) provides for creation of new survey fields or sub divisions when land is transferred from one holder to another. Rules 11, 12 & 13 set out the

conditions and procedure for demarcation of new survey fields or sub divisions. Rule 20 of the B.S.O.34-A provides for applications for private parties to point out the boundaries of their fields in accordance with the survey records. The said Rule stipulates that whenever such an application is made, it would be the responsibility of the surveyor to carry out such a survey and to point out the boundaries of the private person land. It would only be necessary to notice the language of Rule 20, which states as follows:

“the applications from private parties to point out the boundaries of their fields in accordance with the survey records may be received by the Taluk Tahsildar”

15. These provisions, of the B.S.O., indicate that, whenever there is a transfer of ownership, by any of the methods described above, the entries in the register of holdings are to be altered accordingly. Before such alterations, the land in question would have to be demarcated, on the ground, by way of a sub division of the survey number, so as to indicate the extent of land which is now with the transferee. This is done by identifying and specifying the fields, which would comprise the demarcated area. In view of such sub division, survey of such lands, by identification of the field lines, more colloquially known as F-lines, is permissible. Rule 20 of B.S.O. 34-A provides for seeking such a survey, by way of an application. Any survey conducted by the surveyor, on the basis of such an application, would be restricted to point out

the F-Line of the fields which is already in the survey records or the changes of the sub divisions which are already in the records.

16. While Rule 20 of B.S.O. 34-A provides for applications to be made for conduct of survey of private lands, the language of the Rule, extracted above, would indicate that such applications can only be made by persons in relation to land owned by them. On this basis, these provisions cannot be stretched to mean that a survey could be conducted where the applicant is not able to demonstrate a clear claim over the said land. It is clear that no stranger can seek survey of private lands or for demarcation of the fields.

17. In the present case, the 6th respondent contends that she is the owner of Ac.2.00 of land, by virtue of registered deeds of sale. In such circumstances, the 6th respondent can make a request for conduct of survey for pointing out the boundaries of her land, in accordance with the survey records.

18. In such circumstances, the survey, at the request of the 6th respondent can be carried out for the purposes of pointing out the sub divisions or the field lines, if created, on the basis of the deeds of sale produced by the 6th respondent.

19. The question of handing over possession of the land by the Revenue Authorities to the 6th respondent would not arise as the scope of any survey that can be conducted is restricted to pointing out the F-Lines or the

sub division boundaries. The Revenue Authorities cannot interfere in civil disputes to hand over possession of lands. For such purpose, the parties would have to approach the appropriate Civil Court.

20. The Writ Appeal is disposed of in terms of the above observations. Before parting with this case, we wish to place on record, our appreciation, of the assistance rendered by the learned Amicus, Sri S. Lakshmi Narayana Reddy. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any shall stand closed.

R. RAGHUNANDAN RAO, J

B V L N CHAKRAVARTHI, J

Date: 09.05.2025

MJA

**THE HON'ABLE SRI JUSTICE R RAGHUNANDAN RAO
AND
THE HON'BLE SRI JUSTICE B V L N CHAKRAVARTHI**

WRIT APPEAL No.819 of 2024

(per Hon'ble Sri Justice R Raghunandan Rao)

09th May, 2025

MJA