

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Appeal No. 2023 of 2013

DATED:31.12.2013

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Between:

Mohammed Ali Khan

... Appellant

And

Shahzadi Begum,
Hyderabad and others.

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Appeal No. 2023 of 2013

Oral Judgment: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This appeal is preferred against the judgment and order of the learned Single Judge dated 10.2.2009. This appeal is preferred by the appellant, who was not a party to the writ proceedings.

We have examined the judgment and order of the learned Single Judge. His Lordship has not decided anything on the merits of the case, but has merely directed to conduct survey of the land admeasuring Acs.15.19 guntas in Survey No.99 of Hyderguda Village, Rajendernagar Mandal, Ranga Reddy District, within a certain period of time. The learned Single Judge was not oblivious of the fact that there might be third parties. So, protection has been given. Therefore, the appellant is also protected by this order. If the appellant wants to be present at the time of survey, the appellant can give intimation to the officials, who will conduct survey in terms

of the order of this Court.

Since no adjudication has been done on the merits of the dispute, therefore all points are kept open to be heard and the Civil Court will take a decision on the merits of the matter in accordance with law in the pending suit.

The appeal is accordingly dismissed. The interim order granted on 13.5.2009 shall stand vacated. The miscellaneous applications, if any pending, shall also stand dismissed. No costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

31.12.2013

PNB