

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.19128 of 2017

ORDER:

The petitioner challenges the endorsement notice No.FCB.244/ 2017 dated 19.05.2017 endorsing a finding that the Deputy Surveyor has conducted open ETS machine survey and the extent in possession of the petitioner is found to be Ac.3.92 cents and the petitioner requested for demarcation of Ac.4.10 cents, but as there is lesser extent than what is shown in the application, the 3rd respondent has called upon the petitioner to approach the civil court and get a decree for taking further steps in this behalf.

2. The objection of the petitioner is that the survey if at all conducted shall be in the presence of petitioner and the 4th respondent. In the case on hand, notice is not issued to either of the parties. Therefore, learned counsel requests the court to permit the petitioner to file objections to the endorsement and the same may be directed to be considered by 3rd respondent. The submission of petitioner is not objected to by the learned Assistant Government Pleader.

3. The writ petition is disposed of by this order. The petitioner is given four weeks time from today to file objections, together with further documents, if any, in support of his claim for Ac.4.10 cents before the 3rd respondent and the 3rd respondent is directed to examine and if necessary consider conducting of survey in the presence of the parties. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S. V. BHATT, J

Date: 14.06.2017
BSS

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