

HON'BLE SRI JUSTICE S.V.BHATT
WRIT PETITION NO. 22034 OF 2017

ORDER:

The Writ Petition was listed on 5.7.2017 and was directed to be taken up today at request of learned Assistant Government Pleader to get instructions on the notice Rc.No. A4/3637/2015 dated 22.6.2017.

2. One of the objections of writ petitioner is that suit in O.S.No. 1276 of 2014 is pending between the petitioners and respondents 5 to 7 and I.A.No. 2066/2014 for the very same prayer is filed. The learned trial Judge has heard the arguments in the interim application and reserved the matter for orders.

3. Now proposing to conduct survey virtually amounts to gathering evidence and subjecting the petitioners to prejudice. Petitioners filed objections dated 30.06.2017.

4. The learned Assistant Government Pleader on instructions submits that the survey is scheduled to be held at 11.00 A.M on 7.7.2017. In view of the objections raised by the petitioners, the survey scheduled to be held on 7.7.2017 is deferred and respondents 3 and 4 after taking note of objections, if circumstances warrant, hear both parties and then proceed in the matter.

5. The statement is placed on record. Since the survey scheduled to be held on 7.7.2017 is cancelled, the Writ Petition is disposed of placing on record the statement of respondents 3 & 4. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

DATE: 06.07.2017
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S.V.BHATT, J

