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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.14398 OF 2018

M/s. Heramb Builders & Developers

... Petitioner

Vs

The State of Maharashtra & Ors.

... Respondents

...

Mr. Akash K. Kotecha for the Petitioner.

Mrs. R.A.Salunkhe, AGP for the Respondent-State.

CORAM : A.S.OKA &

SANDEEP K. SHINDE JJ.

DATE : 17 DECEMBER, 2018

P.C. :

Not on board. Taken on board.

The challenge in this Petition is to a notice dated 6th December, 2018 issued by the Survey Officer under the Maharashtra Land Revenue Code, 1966 informing the Petitioner that the survey of the subject property will be carried out.

2 The first submission of the learned counsel for the Petitioner is that a survey is already carried out. The second contention is that notice has been issued to a person who is likely to

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obstruct the survey. Thirdly, it is contended that if the survey is conducted, it will result into delay.

3 We have considered the submissions. Even if a survey is carried out by the Survey Officer under the said Code, rights of the parties and claim of the Petitioner on the basis of title are not at all affected. Moreover, the Petitioner can raise an objection to the survey if any illegalities are committed in survey. There is an appeal available to the petitioner for challenging the outcome of the survey.

4 Hence, no case is made out for interference in writ jurisdiction. The Petition is rejected subject to what is observed above.

(SANDEEP K. SHINDE, J.)

(A.S.OKA, J.)