

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.20459 of 2018

ORDER:

Heard Mr.Mahadeva Kanthrigala for petitioner and the learned Assistant Government Pleader for respondents 1 and 2.

The petitioner challenges notice dated 13.06.2018 issued by 2nd respondent calling upon the petitioner to remove the alleged encroachments as identified in a survey conducted behind the back of the petitioner. According to petitioner, the survey, if was conducted in his presence, he would have had opportunity of participating in identifying the admitted boundaries and each one of the plots and thereafter demarcating the extents claimed by petitioner and 3rd respondent.

The notice impugned in the writ petition refers to survey and copy of survey report is also not furnished to petitioner.

The issue centres round in identification of property claimed by the petitioner and the 3rd respondent.

The Assistant Government Pleader after noticing the omissions in the notice submits that since the representation made by 3rd respondent is to identify the encroachment, the issue can be resolved by conducting

survey in the presence of both the parties in accordance with the Surveys and Boundaries Act, 1923.

The statement is placed on record and accepted and the writ petition is disposed of by this order:

The notice impugned in the writ petition is suspended for a period of two months from today. The petitioner is given liberty to request respondent No.2 to undertake resurvey on the representation filed by the 3rd respondent in his presence within one week from today. On such request being made, the 2nd respondent takes steps for conducting resurvey by issuing notice to petitioner as well as the 3rd respondent within three weeks thereafter. Then, after hearing the petitioner and the 3rd respondent, passes orders as are deemed fit in law and communicate before the time granted by this court expires. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 19.06.2018
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