

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.5694 of 2017

ORDER:

Heard Mr.G.Tuhin Kumar for petitioner, learned Assistant Government Pleaders for Roads & Buildings, Revenue, Home and Irrigation and Sri G.Smhadri for respondents 8 and 9.

The petitioner and 2nd respondent on one hand and respondents 8 and 9 on the other in this writ petition are substantially locked in the controversy of establishment of statue of Hanuman. The parties have filed pleadings substantially converting the present writ petition one for a decision on identity of property and whether the establishment of statue is with the permission of District Collector or not and whether the right of petitioner for ingress or agrees is affected by construction of Hanuman statue.

This Court, after hearing the learned counsel for considerable length of time and perusing the record, *prima facie* is the view that the questions, which ought to be addressed and decided by the authorities, are canvassed by filing present writ petition. Either the title or identity of property is substantially a fact in issue. In a case like this, without a decision on either of the two aspects referred to above, pronouncing on the right of either petitioner or respondents 8 and 9 may lead to miscarriage of

justice. Therefore, this Court with the consent of learned counsel appearing for parties disposes of the writ petition by this order.

(a) The interim order granted by this Court on 17.02.2017 is directed to be maintained for a period of six weeks from today.

(b) The petitioners or respondents 8 and 9 are given liberty to file representation before 6th respondent for identifying survey number and its classification before 6th respondent, by enclosing a copy of this order, within two weeks from today.

(c) The 6th respondent on receipt of representation, issues notice to the Executive Engineer, Roads & Buildings and takes the assistance of surveyor for identifying the property, where the statute is proposed to be established.

(d) When a notice is issued, Roads & Buildings can file the documents on which it is relying upon. Likewise, the petitioner and respondents 8 and 9 can also give their work memos for identification of the property by the Surveyor.

(e) After receiving the survey report, the 6th respondent passes orders as are deemed fit

on the objections raised either by petitioner or
assertions of respondents 8 and 9.

The writ petition is disposed of accordingly. No order as to
costs.

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

S. V. BHATT, J

Dt: 19.03.2018
Prv



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19-03-2018

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