

VASANT  
ANANDRAO  
IDHOL

WRIT PETITION NO.3071 OF 2022

 $1/3$

if prayer clause (a) is allowed by this Court. He further states that the expenses, if any, required to be incurred in carrying out joint survey shall be borne by the petitioner and not by his client. Statement is accepted.

3. There is no strong objection raised by the respondent nos.1 to 4 if this Court direct them to carry out joint survey of the property.

4. It is the case of the petitioner that the respondent no.5 having got the plan approved by showing incorrect road centre line in the event of widening of DP road in future major portion of Masjid constructed by the petitioner would be seriously affected.

5. Without going into the correctness of the allegations made by the petitioner, no prejudice would be caused to any of the respondents if we direct the respondent nos.1 to 4 to carry out joint survey of the property described at prayer clause (a) within two weeks from today. The petitioner as well as the respondent no.5 also would be permitted to remain present at the time of the respondent nos.1 to 4 carrying out joint survey. The parties are directed to remain present at the site for the purpose of carrying out joint survey on 11<sup>th</sup> August, 2022 at 11.00 a.m. The fees and charges, if any, payable to the respondent nos.1 to 4 for carrying out joint survey shall be paid by the petitioner exclusively which shall be paid within one week from

the date of such joint survey.

6. The survey report shall be made available to the petitioner as well as the respondent no.5 by the respondent nos.1 to 4 on payment of photocopy charges, if any.

7. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs. All parties to act on the authenticated copy of this order.

**(KAMAL KHATA, J.)**

**(R.D. DHANUKA, J.)**