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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1810 OF 2019

Juhu Construction Company

....Petitioner

V/s.

The City Land Survey Officer and Ors.

...Respondents

Ms. Kumud A. Bhatia for Petitioner.

Mr. A.L. Patki, Addl. G.P for Respondent Nos. 1, 2, 5 and 6.

CORAM : K.R. SHRIRAM &

FIRDOSH P. POONIWALLA, JJ.

DATED : 20th JULY 2023

PC. :

1. Having heard the counsel, a short issue that comes up for consideration is (a) Whether petitioner should be granted the relief sought in prayer clause – (a) which reads as under :

(a) That by a writ of certiorari, writ of mandamus or any other appropriate writ, order or direction in the nature of the aforesaid writs be issued, thereby directing the Respondents No.1, 2 and 5 to do the survey and demarcation of Petitioners property bearing CTS Nos.502(Pt), 517 (Pt), 517(1) to 517(10) situated at Rani Sati Marg, Village Kurar, Taluka Borivali, Dhanjiwadi, Malad (E), Mumbai – 400 097, admeasuring 3428.13 Sq. mtrs. Malad (E), Mumbai, known as Malad Mittal Park CHS and give Survey Report along with Index – II to the Petitioner.

2. Mr. Patki states that various objections have been raised when the application was made and even in the affidavit in reply it is stated that survey and demarcation request can be considered provided petitioner perfects its title to the land. Ms.Bhatia states that this requirement of having a perfect title before seeking survey and demarcation has been raised for the

first time in the affidavit in reply. Ms. Bhatia states that all these objections will be complied with including perfecting petitioner's title in the records. Mr. Patki states that within two weeks Respondent No.1 would intimate to petitioner if there are any further objections for granting relief as sought in prayer clause – (a) quoted above. Ms. Bhatia states any objections raised will be complied with and petitioner will apply afresh for survey and demarcation of the property mentioned in prayer clause – (a) as quoted above.

3. We clarify that we have not made any observations on the merits of the matter.

4. Petition disposed.

(FIRDOSH P. POONIWALLA, J.)

(K.R. SHRIRAM, J.)