

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7619/2005

(From the judgement and order dated 03/01/2005 in WP No.22569/2003 of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

BAIJANTI DEVI

Petitioner(s)

VERSUS

CHINTAMANI & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and setting aside the order dated 05.08.2005 and amendment and with prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

Date: 10/02/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Mukesh Sharma,Adv.

Mr. C. Siddharta,Adv.

Ms. Shweta Shukla,Adv.

Mr. Rameshwar Prasad Goyal,Adv.

For Respondent(s) Mr. T.N. Singh,Adv.

Mr. V.K. Singh,Adv.

Mr. S.N. Singh,Adv.

Mr. Kavin Gulati,Adv.

Ms. Rashmi, Adv.

Mr. Kamendra Mishra, Adv

UPON hearing counsel the Court made the following

O R D E R

The question which arises for consideration in this special leave petition arising out of an order dated 3.1.2005 passed in Writ Petition No.22569/2003, is as to whether the subject matter thereof which is a pond, situated in Village Samrakala, Tehsil Lalganj, District Mirzapur in the State of U.P., is a public pond? By reason of the impugned order, a Division Bench of the High Court directed the District Magistrate/Collector to cause a survey to be made on the basis of the concerned revenue record,

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along with the site map on scale in the Office of the Registrar General of the said Court, after supplying copies of the same to the parties and place the survey report on the record of the case. It appears that in compliance of the said order, survey report along with map has been submitted to the High Court on or before 5.2.2005. The present SLP was filed thereafter i.e. on 30.3.2005.

Having regard to the fact that the petitioner shall be at liberty to
take such objections, as are legally permissible, to the said report, we are
of the opinion that at this stage it is not necessary to interfere
with the
impugned order. The special leave petition is dismissed.

(A.S. BISHT)

COURT MASTER

(PUSHAP LATA BHARDWAJ)

COURT MASTER