

(2021) 07 MP CK 0114

In the Madhya Pradesh High Court

Case No : Writ Petition No. 12030 Of 2021

Anand Pashu Aahar Projects

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 14-07-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Madhya Pradesh Rajya Audyogik Bhumi Evam Bhawan Prabandhan Niyam, 2015 —
Section 41

Citation : (2021) 07 MP CK 0114

Hon'ble Judges : Nandita Dubey, J

Bench : Single Bench

Advocate : Rajneesh Gupta, Tapan Bathre

Final Decision : Disposed Of

Judgement

Nandita Dubey, J

This petition under Article 226 of the Constitution of India is filed challenging the impugned order dated 30th June, 2021 (Annexure P/1) wherein the

respondent no.3 has directed the Manager as well as Assistant Manager, District Trade & Industries Centre, Betul to take ex-parte possession of the

land allotted to the petitioner as the petitioner has not taken any interest in establishing the industry for which the lease of the aforesaid land was

granted to him.

The contention of learned counsel for the petitioner is that the lease was granted to him for a period of 30 years. However, due to pandemic situation,

he was not able to establish the industry. Taking this Court through the documents annexed with the petition, he has tried to point out that approval for

electricity connection was granted to him in the month of April, 2021 itself. It is

stated that in a very hot haste manner, the respondents are trying to proceed against the petitioner.

Learned PL appearing for the respondents/State has pointed out that an efficacious alternative statutory remedy of appeal is available to the petitioner as evident from Clause 29 of the Lease Agreement which provides that ""the petitioner, if aggrieved by any order passed by the Allotting Authority, may prefer an appeal to the designated authority with appropriate fee within a period of 30 days as per the provisions of the Rules."" It is further pointed out that lease deed is subject to the provisions contained in the M.P.Rajya Audyogik Bhumi Evam Bhawan Prabandhan Niyam, 2015. Section 41 of which provides for an appeal to the designated authority.

Since an efficacious alternative statutory remedy is available to the petitioner, he is directed to raise all his contentions and objections before the said authority by filing an appeal. In case the petitioner files an appeal within a period of ten days from today before the competent authority, the authority concerned shall decide the same after giving due opportunity of hearing to the petitioner.

Till the appeal is decided, the respondents are restrained from taking any coercive action against the petitioner pursuant to the order dated 30.06.2021.

With the aforesaid directions, the petition stands disposed of.

Certified copy/e-copy today itself.