
(2022) 04 MP CK 0040
In the Madhya Pradesh High Court
Case No : Writ Petition No. 8502 Of 2022

Anita Boriwal

APPELLANT

Vs

Commissioner Dewas Municipal And Others

RESPONDENT

Date of Decision : 12-04-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Madhya Pradesh Bhumi Vikas Rules, 1984 — Rule 7(3)
Madhya Pradesh Municipalities Act, 1961 — Section 307

Citation : (2022) 04 MP CK 0040

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Aditya Choudhary, Kushal Goyal

Final Decision : Dismissed

Judgement

Vijay Kumar Shukla, J

In the instant petition, a challenge has been made to the notice dated 30.03.2022 passed by the respondent no.2, whereby, the petitioner has been directed to remove the illegal and unauthorized construction of hotel on the green belt land.

The said construction has been found to be in violation of provision of Section 307 of the Municipalities Act and also Rule 7(3) of the MP Bhumi Vikas Rules amended on 01.06.2012.

Learned counsel for the respondent submits that the aforesaid construction has been raised on the green belt without any permission or sanction of the respondents.

Learned counsel for the petitioner has failed to file any document showing any permission was granted to the petitioner for raising the aforesaid construction.

Since the petitioner has not filed any document to show any valid permission or

sanction granted by the respondents, no case for interference under Article 226 of the Constitution of India is made out.

Accordingly, the present petition stands dismissed.