

(2023) 02 MP CK 0055

In the Madhya Pradesh High Court

Case No : Writ Petition No. 4465 Of 2023

Firoz Khan And Others

APPELLANT

Vs

Indore Municipal Corporation And Others

RESPONDENT

Date of Decision : 20-02-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 02 MP CK 0055

Hon'ble Judges : Pranay Verma, J

Bench : Single Bench

Advocate : Tousif Warsi, Amol Shrivastava

Final Decision : Disposed Of

Judgement

Pranay Verma, J

1. By this petition preferred under Article 226 of the Constitution of India, the petitioners have prayed for the following reliefs :-

" It is, therefore most respectfully prayed that this Hon'ble Court may be pleased to declare the act of respondents of not issuing show cause notice and announcing to carry demolition in Patel Nagar, Khajrana, Indore recorded and filed as Annexure-P-1, to be unconstitutional illegal and capricious. And,

This Hon'ble Court be further pleased to direct the respondents to follow the procedure prescribed by law by serving the show cause notices, if any, and

Further, this Hon'ble Court be pleased to direct the respondents not to carry out any demolition against petitioners being the economically weaker section of society, and

This Hon'ble Court may further kindly be pleased to direct respondents not to interfere with the physical possession/enjoyment of the aforesaid property for which respondents have not issued any show cause notice.

Further this Hon'ble Court be pleased to grant any other relief as deemed just and proper in favour of the petitioners."

2. Learned counsel for the respondents submits that prior to initiation of any action against the petitioners notices will be served upon them and they shall be afforded opportunity of hearing. It is further submitted that notices upon some of the petitioners have already been served and such notices shall be served upon the remaining petitioners also.

3. In light of the aforesaid statement, I deem it fit and hence direct the respondents to issue notices to the petitioners and/or the person who are in actual possession of the property. Upon receipt of the notice, the petitioners shall file their individual reply within a period of ten days alongwith all requisite documents. Upon filing of the same, the petitioners shall be individually afforded opportunity of hearing prior to passing of the final order. Till final order is passed, in respect of each of the petitioners, no coercive steps shall be taken against them. In case the final orders are against the petitioners, then they shall be afforded breathing time of ten days for challenging the order, in accordance with law.

4. It is further directed that till final decision the petitioners shall not carry out any construction, over the property in dispute.

5. With the aforesaid, without expressing any opinion on merits, the instant petition stands disposed off.

Certified copy as per rules.