
(2020) 01 MP CK 0089

In the Madhya Pradesh High Court

Case No : Review Petition. 1608 Of 2019

Govind Singh And Another

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 23-01-2020

Acts Referred:

Citation : (2020) 01 MP CK 0089

Hon'ble Judges : Sheel Nagu, J;Rajeev Kumar Shrivastava, J

Bench : Division Bench

Advocate : Vivek Jain, Pratip Visoriya

Final Decision : Disposed Of

Judgement

The present petition is filed seeking review/recalling of the final order passed by this Court on 14/10/2019 whereby the PIL bearing W.P. No. 19688/2019 was disposed of in limine at the very outset without issuing notice by asking the Collector, Gwalior to conduct inquiry into two aspects, firstly: that whether the land in question is govt. land and secondly, whether there is encroachment or not. On being satisfied about the aforesaid two aspects, after affording opportunity of being heard to all the concerned, action for removal of encroachment was directed to be taken. As a measure of added precaution it was also directed by this court that after taking decision to evict the encroachers breathing time of one week be granted before removal of encroachment so that encroachers/occupants can avail remedy available under the law.

Learned counsel for the review petitioners submits that out of the 8 survey numbers which founded the subject matter of the said PIL, Survey No. 26 situated at Rakkas Pahadi, District Gwalior is also subject matter of W.P.4503/11 (Govind Singh & another Vs. State of M.P. & others) where this court while taking cognizance of the matter by interim order dated 23/8/2011 directed for maintenance of status quo by the parties therein which included the review-petitioners and the Collector, Gwalior.

It is also submitted that the interim order dated 23/8/2011 continues to subsist till today in the pending W.P.4503/11.

The record of pending W.P.4503/11 is perused and the submission of learned counsel for review-petitioners appears to be correct and thus palpable error has crept in the order under review which deserves to be recalled by exercise of power of review.

In this view of the matter it would be appropriate that Survey No. 26 situated at Rakkas Pahadi, District Gwalior should be excluded while implementing the order in W.P.19688/2019 (PIL) passed on 14/10/2019.

Consequently the present review petition stands allowed and the respondents-authorities are restrained from taking any coercive steps against review-petitioners after verifying about occupancy of review-petitioners qua Survey No. 26 situated at Rakkas Pahadi, District Gwalior.

However, Collector, Gwalior is free to take action in terms of the order passed in W.P.19688/19 (PIL) dated 14/10/2019 against any other occupants except two review-petitioners herein whose fate shall depend upon order passed in W.P.4503/11.

In view of the aforesaid directions, the present review- petition stands disposed of.