

(2025) 12 MP CK 1890

In the Madhya Pradesh High Court, Gwalior Bench

Case No : Writ Petition No. 49189 Of 2025

Jasmant And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 18-12-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Madhya Pradesh Panchayat Raj Evam Gram Swaraj Adhiniyam, 1993 — Section 85

Citation : (2025) 12 MP CK 1890

Hon'ble Judges : Amit Seth, J

Bench : Single Bench

Advocate : Udit Saxena, Kaushlendra Singh Tomar

Final Decision : Disposed Of

Judgement

Amit Seth, J

1. The instant writ petition under Articles 226 & 227 of the Constitution of India has been filed by the petitioners challenging the Resolution No.16 dated 02.10.2025 passed by the respondent No.5/Gram Panchayat pertaining to the location of construction of the Panchayat Bhawan.

2. The learned counsel appearing for the petitioners submits that earlier the Resolution dated 25.01.2025 (Annexure P/3) was passed, wherein it was unanimously resolved to construct the Pancayat Bhawan on Survey No.246, but by the impugned Resolution dated 02.10.2025, the location has been arbitrarily changed to Survey No.437. He, therefore, submits that the petition may be entertained and appropriate orders be passed.

3. On the other hand, the learned counsel appearing for the State submits that Section 85 of the M.P. Panchayat Raj Avam Gram Swaraj Adhiniyam provides a remedy against resolutions passed by the Gram Panchayat. Since the statutory remedy against the impugned resolution is available under the Act itself, the instant writ petition filed by the petitioners without availing the statutory remedy

of appeal is not maintainable.

4. Faced with the said objection, the learned counsel appearing for the petitioners seeks leave of this Court to withdraw the present writ petition with liberty to avail the remedy as provided under Section 85 of the Act of 1993 against the impugned resolution dated 02.10.2025.

5. The prayer made by the learned counsel appearing for the petitioners is accepted.

6. It is observed that in case, the remedy under Section 85 of the Act of 1993 is invoked by the petitioners within a period of 15 days from today, then the competent authority shall dwell upon the same on merits.

7. With the aforesaid, the petition stands disposed of.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.