

(2023) 09 MP CK 0020

In the Madhya Pradesh High Court

Case No : ?Writ Petition No. 22943 Of 2023

Jayabai And Others

APPELLANT

Vs

Indore Municipal Corporation And Others

RESPONDENT

Date of Decision : 05-09-2023

Acts Referred:

Madhya Pradesh Nagar Palika (Colony) (Development) Rules, 2021 — Rule 25
Madhya Pradesh Nagar Palika Nigam Adhiniyam, 1956 And Madhya Pradesh
Bhumivikas Niyam, 2012 — Section 307

Citation : (2023) 09 MP CK 0020

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Akshat Pahadia

Final Decision : Disposed Of

Judgement

Vijay Kumar Shukla, J

1. The petitioner is aggrieved with notice dated 4.9.2023 issued by respondent No.3 whereby the petitioner has been directed to submit the documents pertaining to the ownership of the house and also the construction permission/ approved construction within three days failing which the respondents will demolish the said house under the provisions of Section 307 of M.P. Nagar Palika Nigam Adhiniyam, 1956 and Madhya Pradesh BhumiVikas Niyam, 2012.

2. Counsel for petitioner submits that the petitioner has purchased a plot in a colony which has been found to be illegal, however, he has raised construction and at present he is residing in the said house. It is submitted that the petitioner intends to apply for grant of building permission in unauthorised colony under the provisions of Rule 25 of M.P. Nagar Palika (Colony) (Development) Rules, 2021. It is argued that the aforesaid Rules are also applicable to the Municipal Corporation as well. He may be given sufficient time to make the application under the aforesaid Rules and to submit his reply before the respondent No.3.

3. Considering the aforesaid submissions, the respondent No.3 shall grant 15 days time to the petitioner to file reply and the petitioner will also file an application for building permission under the aforesaid Rules in the mean time. The respondent No.3 shall consider and decide the reply filed by the petitioner in accordance with law within a period of next 15 days. Till the representation/reply of the petitioner is decided, the house in question shall not be demolished. If the competent authority passes an order against the petitioner, the same shall not be given effect to for a period of seven days.

4. With the aforesaid, writ petition is disposed off.