

(2023) 02 MP CK 0032
In the Madhya Pradesh High Court
Case No : Writ Petition No. 3227 Of 2023

Kashi Prasad Jaiswal

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 08-02-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Order 7 Rule 14
Madhya Pradesh. Land Revenue Code, 1959 — Section 44

Citation : (2023) 02 MP CK 0032

Hon'ble Judges : Maninder S. Bhatti, J

Bench : Single Bench

Advocate : ?P.D. Jaiswal, Shweta Yadav

Final Decision : Disposed Of

Judgement

Maninder S. Bhatti, J

1. Learned counsel for the petitioner contends that vide impugned order dated 23.01.2023 which is contained in Annexure-P/5, the Collector, Dindori has passed the impugned order by which the petitioner is to be dispossessed from the property in question.

2. It is contended by learned counsel for the petitioner that the order impugned suffers from arbitrariness and therefore, same deserves to be quashed. It is further contended by the counsel that there is imminent threat of being dispossessed which is evident from perusal of the notice, which has been brought on record alongwith I.A. No.1737/2023 i.e. an application under Order 7 Rule 14 of CPC for taking additional documents on record. It is also contended by learned counsel for the petitioner that the petitioner is to be dispossessed from the property in question by tomorrow.

3. Per contra, learned counsel for the State contends that the order passed by the Collector, Dindori is appealable in terms of Section 44 of the M.P. Land Revenue Code, 1959 before the Commissioner, Division Jabalpur, Jabalpur and

therefore, the interference at this stage is not warranted.

4. In view of the aforesaid, as there exists an alternative efficacious remedy of appeal, interference at this stage is declined and the present petition stands disposed of with a direction that if the petitioner prefers an appeal within 5 working days from today assailing the order dated 23.01.2023 passed by Collector, Dindori alongwith an application for interim relief, the same shall be decided by Appellate Authority within a period of 60 days by passing a well reasoned and speaking order in accordance with law.

5. It is further directed that the application for interim relief to be filed alongwith the appeal shall be decided within 7 days from the date of its filing.

6. Till decision on application for interim relief, parties are directed to maintain status-qua as it exists today.

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