
(2019) 12 MP CK 0072

In the Madhya Pradesh High Court

Case No : Writ Petition No.28928 Of 2019

M/s Mary Buildcon Pvt. Ltd.

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 30-12-2019

Acts Referred:

Citation : (2019) 12 MP CK 0072

Hon'ble Judges : Sheel Nagu, J;G.S. Ahluwalia, J

Bench : Division Bench

Advocate : Arvind Dudawat, Alok Kumar Sharma

Final Decision : Disposed Of

Judgement

IA.6498/2019 an application for urgent hearing during winter vacation is taken up, considered and allowed for the reasons mentioned therein.

The petitioner is before us invoking writ and in the alternative supervisory jurisdiction of this Court u/Art.226/227 of Constitution against the act of respondent No.2/Municipal Corporation, Gwalior for placing a Red Cross Mark on the property of the petitioner which the petitioner claims to belong to it for which certain instruments have been filed.

It is submitted that petitioner has been informed that for the purpose of widening of road, property of the petitioner would be demolished.

It is not known as to whether the property of petitioner is an encroachment or not.

Admittedly, there is no order or notice issued to the petitioner communicating reasons for putting the red cross mark.

It is expected of the Municipal Corporation which is the statutory body and instrumentality of the State to act in a reasonable manner without any element of arbitrariness, discrimination or favouritism.

In the absence of any notice issued against petitioner, this petition appears to be filed merely on the basis of apprehension.

Since the issue herein involves disputed questions of fact relating to title, possession and interest over the property in question, this Court declines to go into the same while exercising writ/supervisory jurisdiction. However, this Court deems it appropriate to pass the following order:

"1. The official respondents are directed to inform the petitioner by way of notice, the reasons for putting the red-cross mark. If intention is to demolish then petitioner be afforded reasonable opportunity of being heard and thereafter pass a speaking order and communicating the same to the petitioner by any legitimate mode.

2. After completion of the aforesaid exercise the petitioner would be afforded seven working days' time to avail remedy available in law against the order passed by the official respondents and only thereafter the respondents are free to proceed in accordance with law."

With the aforesaid directions, the petition stands disposed of sans cost.