

(2023) 12 MP CK 0016

In the Madhya Pradesh High Court

Case No : Writ Petition No. 30096 Of 2023

Orchhadham Developers Llp Registered Under The Provisions
Of Sectin 58(1) Of The Limited Liability

APPELLANT

Vs

The State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 05-12-2023

Acts Referred:

Citation : (2023) 12 MP CK 0016

Hon'ble Judges : Vivek Jain, J

Bench : Single Bench

Advocate : Rahul Diwakar, Mohan Sausarkar

Judgement

Vivek Jain, J

Heard on admission.

Issue notice to the respondents on payment of process fee within seven working days by RAD mode, failing which petition shall stand dismissed without reference to the Court.

Also, heard on interim relief.

Learned counsel for the petitioner submits that prior to passing order Annexure-P/15, he was not served and relies on notice Annexure-P/14 to contend that the petitioner was not served in proceedings before the Commissioner. Apart from this, learned counsel for the petitioner relies on the judgment passed by a Coordinate Bench of this Court reported in 2012 SCC Online MP 9661 (W.P. No.8414/2011) and submits that since the original vendor was having entries prior to amendment of Sections 158 (3) and 165 (7-b), hence no permission was required before sale of land.

Per contra, the learned counsel for the State submits that against the order passed in W.P No.8414/2011, W.A No.275/2013 is pending before the Gwalior Bench.

Till the next date of hearing, the order Annexure-P/15 shall remain stayed and the petitioner shall not be dispossessed from the land in question. The state shall be at liberty to point out as and when W.A No.275/2013 is decided by Gwalior Bench.