
(2020) 07 MP CK 0070
In the Madhya Pradesh High Court
Case No : Writ Petition No. 8446 Of 2020

Rajendra Kumar

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 01-07-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 07 MP CK 0070

Hon'ble Judges : G. S. Ahluwalia, J

Bench : Single Bench

Advocate : Santosh Agrawal, M P S Raghuvanshi

Final Decision : Disposed Of

Judgement

Â This petition under Article 226 of the Constitution of India has been filed against the order dated 26/03/2020 passed by Collector, District Bhind in

Case No.0044/2019- 20/A-74.

It is submitted by the counsel for the petitioner that an appeal has been preferred before the Court of Commissioner, Chambal Division, Morena along

with an application for stay, however, because of unprecedented Covid-19 pandemic situation, the hearing of the cases in the Court of Commissioner,

Chambal Division, Morena is under suspension and at present, a curfew has also been imposed, therefore, hearing of the stay application filed by the

petitioner may get delayed and taking advantage of the same, the petitioner may be dispossessed by the respondents. It is submitted that the rights of

the petitioner have already been crystallized in a properly constituted suit and whether the said judgment was obtained by playing fraud or not, is yet to

be finally adjudicated by the Commissioner, Chambal Division, Morena.

Per contra, the petition is opposed by the counsel for the State.

It is submitted by Shri Raghuvanshi, counsel for the State that hearing of the cases in the Court of Commissioner, Chambal Division, Morena will

resume from 8th July, 2020, but he fairly conceded that at present, the hearing of the cases in the Court of Commissioner, Chambal Division, Morena

is under suspension.

Considered the submissions made by the Counsel for the parties.

It is the case of the petitioner that against the order dated 26/03/2020 passed by the Collector, Bhind, the petitioner has filed an appeal before the

Court of Commissioner, Chambal Division, Morena, however, due to unprecedented Covid-19 pandemic situation, hearing of the cases is under

suspension. It is further submitted that even a curfew has been imposed in the light of increase in the number of Covid 19 positives.

Considering the submissions made by the counsel for the parties, coupled with the positive statement made by the counsel for the State that hearing of

the cases in the Court of Commissioner, Chambal Division, Morena will resume from 8th July, 2020, it is directed that the parties shall maintain the

status quo including the possession for a period of one month from today. The Commissioner, Chambal Division, Morena is directed to decide the stay

application positively within a period of one month.

Since the interim protection has been granted by this Court in view of the unprecedented Covid 19 pandemic situation, therefore, it is clarified that this

Court has not considered the merits of the case and the Commissioner, Chambal Division, Morena shall decide the application for stay/ appeal in

accordance with law without getting prejudiced or influenced by interim protection by this Court. It is made clear that this order shall remain in

operation till the stay application is decided by the Commissioner, Chambal Division, Morena, but the life of this order shall not exceed one month from

today.

With aforesaid observations, this petition is finally disposed of.