

(2023) 01 MP CK 0119
In the Madhya Pradesh High Court
Case No : Writ Petition No. 2696 Of 2023

Rajendra Sahu And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 31-01-2023

Acts Referred:

Constitution Of India, 1950 — Article 226
Madhya Pradesh Land Revenue Code, 1959 — Section 248I

Citation : (2023) 01 MP CK 0119

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : Utkarsh Agrawal, Praveen Namdeo

Final Decision : Disposed Of

Judgement

Vishal Dhagat, J

1. Petitioner has filed this writ petition under Article 226 of Constitution of India challenging notice dated 13.01.2023. Tehsildar, Tehsil-Hata District-Damoh had issued notice to petitioner under Section 248-1 of Madhya Pradesh Land Revenue Code.

2. Petitioner was asked to file his reply and show documents regarding his ownership and possession over Khasra No.144/1 measuring 0.749 hectares. It is submitted by petitioner that he has not done any encroachment over part of Khasra No.144/1 i.e. 10 X 30 square feet of land. His house is built on Khasra Nos.145/1 & 146, which is under ownership of petitioner. He had filed a detailed reply before Tehsildar but Tehsildar without considering his reply has put a red mark on his house for demolition. It is submitted that his house would be demolished at any time without consideration of his reply. In these circumstances, counsel for petitioner prays for interference by this Court.

4. Govt. Advocate appearing for State opposed the writ petition and submitted that petitioner is having an alternate remedy. Petitioner may approach the

authority and authority shall consider his reply and documents in accordance with law.

5. Heard learned counsel for parties.

6. Considering aforesaid facts and circumstances of the case, writ petition is disposed off with following directions :

(i) Tehsildar shall verify whether there is any encroachment of petitioner over Khasra No.144/1 of land measuring 10 X 30 square feet;

(ii) Necessary demarcation, if required, may be carried out by Tehsildar for ascertaining as to whether any encroachment is made by petitioner or not;

(iii) After ascertaining the facts and considering reply of petitioner, appropriate action be taken by Tehsildar in accordance with law.

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