
(2012) 04 MP CK 0122
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1357 of 2011

Ramdayal Jatav

APPELLANT

Vs

The State of M.P.

RESPONDENT

Date of Decision : 11-04-2012

Acts Referred:

Citation : (2012) 04 MP CK 0122

Hon'ble Judges : S.K. Gangele, J;Brij Kishore Dube, J

Bench : Division Bench

Advocate : U.K. Bohare, for the Appellant; MPS Raghuvanshi, Additional Advocate General for the State and Shri S.P.S. Jadon, Advocate for the respondent no.6 Municipal Council, for the Respondent

Judgement

1. Heard. This Public Interest Litigation has been filed by the petitioners in regard to illegalities of sale of land which was reserved for park.
2. The petitioner has pleaded that one Brijmohan Lal Bohare submitted an application before the Sub-Divisional Officer, Bhind on 05-02-1966 in regard to survey of land and the Sub-Divisional Officer Bhind vide order dated 30-06-1967 granted permission for diversion of land of survey nos.2667, 2668/2, 2669, 2670 and 2671 with some conditions and thereafter the Town and Country Planning, Gwalior accepted the revised layout plan on 18-03-1972 and in the aforesaid layout plan certain area red mark "ABCD" was reserved as open land for park. However, some persons had sold the land of park as plots to the private persons.
3. The petitioner filed a Public Interest Litigation against the illegal action before this Court which was registered as Writ Petition No.1543/2009. This Court vide order dated 21-10-2009 disposed of the aforesaid PIL with a liberty to the petitioners to first approach the Director, Town & Country Planning, who shall decide the representation of the petitioners.
4. This Court disposed of the aforesaid writ petition with the following directions:-

Considering this fact, we dispose of this petition with a liberty to the petitioner to first approach to the Director, Town & Country Planning and submit a representation before him for the same and the Director, Town & Country Planning on receipt of such representation shall examine the matter and take appropriate steps in accordance with law within a period of three months from the date of receipt of representation.

With the aforesaid observation, the petition stands disposed of.

5. In pursuance to the directions issued by the Division Bench of this Court, the petitioners submitted a representation on 11-11-2009, copy of which has been filed as Annexure P/12 along with the petition. Thereafter the Director, Town and Country Planning directed to maintain status quo. Then, a contempt petition was filed by the petitioners for non-compliance of order dated 21-10-2009 passed in Writ Petition No. 1543 of 2009 (PIL). It was registered as Contempt Petition No.113/2010 and disposed of vide order dated 01-09-2010 with an observation that the order has been complied with. The petitioners pleaded that no action has been taken against the persons who have illegally sold the land which was reserved for park.

6. Learned Additional Advocate General has fairly conceded that the State Authorities shall verify the fact that whether there is any encroachment over the land reserved for park as pleaded by the petitioner and if any encroachment be found, then a proper action will be taken against the persons.

7. Learned counsel appearing on behalf of Municipal Council has no objection in this regard.

8. In this view of the matter, this writ petition is disposed of with a direction that the respondents no.5 and 6 shall verify the fact that whether there is any encroachment over the land which was reserved for park marked as "ABCD" in survey nos. 2667, 2668/2, 2669, 2670 and 2671 situate at Bhind and if it be found that there is any encroachment, a proper action shall be taken in regard to removal of encroachment after giving an opportunity of hearing to the concerned persons. The order be complied with within a period of two months from the date of receipt of copy of the order. With the aforesaid direction, this petition stands disposed of. No order as to costs.