

(2022) 11 MP CK 0026
In the Madhya Pradesh High Court
Case No : Writ Petition No. 25567 Of 2022

Ravi And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 07-11-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Madhya Pradesh Land Revenue Code, 1959 — Section 44

Citation : (2022) 11 MP CK 0026

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Padmanabh Saxena, Manish Nair

Final Decision : Disposed Of

Judgement

Subodh Abhyankar, J

Heard on the question of admission and grant of interim relief.

This petition has been filed by the petitioners under Article 226 of the Constitution of India against order / notice No.8852, 8846, 8850, 8849, 8848, 8847, 8845, 8853, and 8844 / Reader - Nis./2022 dated 04.11.2022 issued by the Tehsildar, Tehsil Kukshi, District Dhar (respondent no.3) whereby the petitioners have been directed to remove their encroached construction within three days time.

Counsel for the petitioners has submitted that the orders / notices are dated 04.11.2022 and the petitioners have not been given time to prefer an appeal against the aforesaid order. Counsel has submitted that earlier notices were issued to the petitioners and a reply was also submitted by them, but there is no reference of the reply in the order. Thus, it is submitted that some breathing time may be given to the petitioners to prefer an appeal under Section 44 of the Madhya Pradesh Land Revenue Code, 1959 (herein after referred to as the Code) and till then, the petitioners' interest / construction be protected.

Counsel for the respondent / State, on the other hand, has opposed the prayer.

On due consideration of the rival submissions and perusal of the record including the impugned notices / orders filed collectively as Annexure P/1, which appear to be cyclostyle copies in a format.

In view of the same, this Court finds force in the contentions raised by the counsel for the petitioners and thus, the present petition is disposed of with a liberty to the petitioners to prefer an appeal under Section 44 of the Code against the impugned notices / orders before the Appellate Authority within a period of two weeks time; and if the appeal is preferred along with an application for stay, no coercive action shall be taken against the petitioners pursuant to the impugned notices / orders till the stay application of the petitioners in the aforesaid appeal is decided by the Appellate Authority.

With the aforesaid observation and direction, Writ Petition No.25567/2022 stands disposed of.

All the other pending interlocutory applications, if any, shall stand disposed of.