
(2023) 04 MP CK 0057

In the Madhya Pradesh High Court

Case No : Writ Petition No. 8955 Of 2023

Shahrukh Jafri

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 15-04-2023

Acts Referred:

Madhya Pradesh Municipal Corporation Act, 1956 — Section 307(3)

Citation : (2023) 04 MP CK 0057

Hon'ble Judges : Maninder S. Bhatti, J

Bench : Single Bench

Advocate : Vasant Roland Daniel, Ankit Agrawal

Judgement

Maninder S. Bhatti, J

Case is taken up on special request made to the Hon'ble Chief Justice. This is a petition assailing the impugned notice dated 14-04-2023 issued in purported exercise of powers conferred under Section 307(3) of the Municipal Corporation Act, 1956.

Learned counsel for the petitioner contends that, earlier as well, the petitioner herein was confronted with a notice dated 14-02-2022 and the said notice was duly replied by the petitioner. Thereafter, the respondents were sitting tight over the matter for more than a year and thereafter they issued another notice dated 10-4-2023 which is at page No.38 of the petition.

Learned counsel for the petitioner submits that a detailed reply in the form of legal notice by the counsel, which is contained in Annexure-P/10 was submitted. Without considering the reply of the petitioner, the respondents have issued the impugned notice on a day which is a National Holiday i.e. Ambedkar Jayanti. Therefore, as notice has been issued in a most capricious and callous manner and thus, deserves to be stayed.

Heard the submissions advanced on behalf of the petitioner.

On payment of process fees within 3 working days, issue notice to respondents No.2 and 3 by RAD mode, returnable within two weeks.

List in the week commencing from 01-5-2023.

Till next date of listing no coercive steps shall be taken against the petitioner on the strength of the impugned notice dated 14-4-2023.

The petitioner is further directed to file a hard copy of the petition as well as per rules, inasmuch as the instant petition has been filed through online mode.

C.c. per rules during course of the day.