
(2014) 05 MP CK 0188
In the Madhya Pradesh High Court
Case No : W.P. No. 6921/2014

Sunderlal Choursiya and Others

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 09-05-2014

Acts Referred:

Citation : (2014) 05 MP CK 0188

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : Rakesh Kumar Jain, Advocate for the Appellant; S.S. Bisen, Government Advocate for State on advance copy, Advocate for the Respondent

Final Decision : Dismissed

Judgement

R.S. Jha, J.—Heard on the question of admission.

2. The petitioners have filed this petition alleging that the respondents-authorities have demolished the structure raised by the petitioners by treating it as encroachment.

3. It is submitted by the counsel for the petitioners that the Division Bench of this Court in W.P. No. 120/2011, which related to encroachments being made on particular khasra numbers, had disposed of the writ petition with a direction to respondents-authorities to remove the encroachments and on 25.04.2014 the Collector Tikamgarh who was personally present in the Court, submitted a compliance report mentioning that all encroachments have been removed. The Collector further gave assurance to the Court that he shall take all necessary precautions that no fresh encroachments are allowed.

4. Counsel for the petitioners submits that said PIL related only to particular khasra No. 1645 and 1548 whereas the petitioners have not encroached upon the aforesaid two khasra numbers but have raised the construction over Khasra No. 1553, 1554, 1555, 1556, 1558, 1565 and 1882. It is submitted that in such circumstances the act of the respondents in removing the construction raised by

the petitioners on khasra numbers which were not mentioned in W.P. No. 120/2011 is contrary to law and therefore appropriate action be taken against the respondents.

5. Having heard learned counsel for the petitioners it is observed that the Division Bench of this Court had passed the following order on 25.04.2014:-

Collector Tikamgarh is personally present in Court and has submitted compliance report mentioning that all the encroachments have been removed. He further assures that precaution will be taken to ensure that no fresh encroachments are allowed to be put-up on the subject land.

In the circumstances, petition is disposed of.

6. The order passed by this Court apparently relates to all encroachments and is not confined to removing the encroachment of particular khasra number.

7. Quite apart from the above, the encroachments are required to be removed by the authorities irrespective of the fact whether there is an order by the Court or not in that regard. It is the duty of the authorities to ensure that encroachments are not made and if made are removed. In such circumstances, I do not find any fault in the action of the respondents-authorities.

8. On a specific query being made, the counsel for petitioners is not able to point-out or place on record any document to establish their title in respect of the land on which construction has been raised by the petitioners. The authorities after examining the matter pursuant to the direction issued in W.P. No. 120/2011 have removed the encroachments which is not in contravention of law.

9. In view of the aforesaid, the petition being misconceived, is accordingly dismissed.

10. Certified copy as per rules.