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IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE
HON'BLE SHRI JUSTICE ANAND PATHAK
ON THE 10th OF AUGUST, 2022

WRIT PETITION No. 14231 of 2022

Between:-

**RAVIKANT PATSARIYA S/O LATE VISHNU DAS
PATSARIYA, AGED ABOUT 48 YEARS, R/O- NAI
BASTI, HOSPITAL ROAD, PICHORRE, DISTRICT
SHIVPURI (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ALOK KATARE - ADVOCATE)

AND

1. **STATE OF MADHYA PRADESH THROUGH THE
PRINCIPAL SECRETARY, DEPARTMENT OF
REVENUE, GOVERNMENT OF MADHYA
PRADESH, VALLABH BHAWAN, BHOPAL
(MADHYA PRADESH)**
2. **THE COLLECTOR, DISTRICT SHIVPURI
(MADHYA PRADESH)**
3. **THE SUB DIVISIONAL OFFICER PICHHORE,
DISTRICT SHIVPURI (MADHYA PRADESH)**
4. **TEHSILDAR PICHHORE, DISTRICT SHIVPURI
(MADHYA PRADESH)**
5. **CHIEF MUNICIPAL OFFICER, NAGAR
PARISHAD, PICHHORE, DISTRICT SHIVPURI
(MADHYA PRADESH)**
6. **HARNARAYAN SONI S/O SHRI SHYAMLAL SONI,
AGED ABOUT 80 YEARS, OCCUPATION -
BUSINESS, R/O-WARD NO. 7, PICHHORE,
DISTRICT SHIVPURI (MADHYA PRADESH)**
7. **BALRAM SONI S/O SHRI HARNARAYAN SONI,
AGED ABOUT 51 YEARS, OCCUPATION -
BUSINESS, R/O-WARD NO. 7, PICHHORE,
DISTRICT SHIVPURI (MADHYA PRADESH),**

8. ANIL SONI S/O SHRI HARNARAYAN, AGED ABOUT 45 YEARS, OCCUPATION - BUSINESS, R/O-WARD NO. 7, PICHHORE, DISTRICT SHIVPURI (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI DEVENDRA CHOUBEY - GOVERNMENT ADVOCATE)

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This petition coming on for hearing this day, the court passed the following:

ORDER

The present petition under Article 226 of the Constitution of India has been filed by the petitioner seeking following reliefs:-

- (i) *That, the present petition filed by the petitioner may kindly be allowed.*
- (ii) *That, the respondent no.2 to 4 may kindly be directed to remove the encroachment made by respondent No.6 to 8 made over survey No.722 in Pichore District Shivpuri.*
- (iii) *That, any other just, suitable and proper relief, which this Hon'ble Court deems fit, may also kindly be granted to the petitioner. Costs be also awarded in favour of the petitioner.*

After arguing for a while, learned counsel for the petitioner confined his arguments to the extent of consideration of representation because even after institution of proceedings under Section 248 of the Madhya Pradesh Land Revenue Code, no affirmative steps have been taken so far against the erring respondents No.6 to 8.

Learned Government Advocate for the State fairly submitted that if any representation or proceedings are pending, then same shall be take care of as per law after giving due opportunity of hearing to the parties concerned.

Heard learned counsel for the parties.

Considering the submission and looking to the nature of relief sought, instead of keeping the petition, this petition is disposed of with the direction to

the petitioner to prefer representation within 15 days before the authority concerned and after receiving the representation, concerned authority shall take care of the case in accordance with law and shall give an opportunity to the respondents No.6 to 8 namely Harnarayan Soni, Balram Soni and Anil Soni respectively and other concerned persons if any and thereafter, ensure passing of the appropriate order on its own merits without being influenced by any observation of this Court.

Petition is **disposed of in above terms.**

Rashid



**(ANAND PATHAK)
JUDGE**