

HIGH COURT OF MADHYA PRADESH**WP No.18354/2020**

Taher Ali Vs. Indore Municipal Corporation & Ors.

Indore, Dated:25.11.2020

Shri Sameer Saxena, learned counsel for petitioner.

Shri Aniket Naik, learned counsel for respondents No.1 and 3.

Heard through video conferencing.

ORDER

The grievance of the petitioner is that the petitioner has orally received the intimation from the officers of the respondents that on 25th November, 2020 they will demolish the temporary iron stand which connects the roof of the two building and cargo lift connected with the premises of the petitioner.

The submission of learned counsel for petitioner is that the principles of natural justice have not been followed while proposing the impugned action and the intimation in this regard was given to the competent authority of the respondents.

Shri Naik, learned counsel for the respondents No.1 and 3 submits that the petitioner is not entitled to construct such a lift and cargo bridge and no permission in this regard was taken and it has endangers the safety of the nearby residents. He has fairly agreed that an opportunity of hearing can be granted to the petitioner in this regard and the petitioner's document can be duly considered by the competent authority.

Having regard to the aforesaid, the present writ petition is **disposed of** by directing the petitioner to appear before the respondent No.3 along with all the necessary documents relating to the construction of the lift and cargo bridge in question within a period of five days from today. The respondent No.3 thereafter will duly consider the petitioner's documents, if filed within the time granted by this court and take an appropriate decision in accordance with law within a period of 10 days from today. If any adverse decision is taken, then a reasoned speaking order will be passed. The parties are directed to maintain status quo in respect of construction and use of the structure in question, till the above exercise is over.

c.c today.

(PRAKASH SHRIVASTAVA)
Judge

vm