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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK RUSIA**

**ON THE 21<sup>st</sup> OF FEBRUARY, 2024**

**WRIT PETITION No. 13468 of 2022**

**BETWEEN:-**

**SHIVNARAYAN S/O BALCHAND, AGED ABOUT 45  
YEARS, OCCUPATION: MAJDURI GRAM SUSYAHEDI  
TEHSIL SARANGPUR (MADHYA PRADESH)**

**.....PETITIONER**

*(MS. ANAMIKA SINGH, LEARNED COUNSEL FOR THE PETITIONER.)*

**AND**

- 1. THE STATE OF MADHYA PRADESH THROUGH  
COLLECTOR RAJGARH (MADHYA PRADESH)**
- 2. SACHIV GRAM PANCHYAT BHUMKA TEHSIL  
SARNAGPUR (MADHYA PRADESH)**
- 3. NAYAB TEHSILDAR TAPPA SANDAWATA  
PARGANA SARANGPUR (MADHYA PRADESH)**
- 4. ANUVIBHAGIYA ADHIKARI ANUVIBHAG  
SARANGPUR SARANGPUR (MADHYA PRADESH)**

**.....RESPONDENTS**

*(SHRI RAJWARDHAN GAWDE, LEARNED PANEL LAWYER FOR THE  
RESPONDENTS/STATE.)*

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

**ORDER**

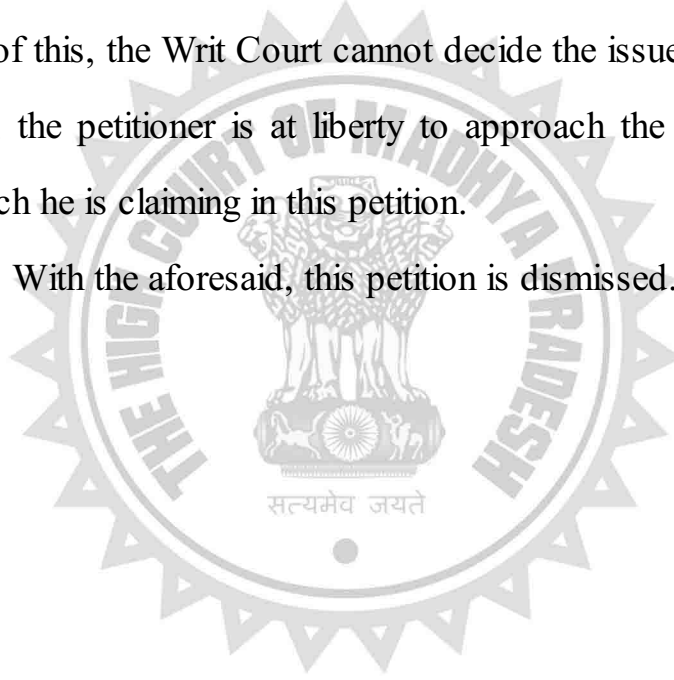
01. The petitioner has filed the present petition claiming compensation on the ground that the Gram Panchayat Bhumka, Tehsil Sarangpur, District Rajgarh has constructed the school building on his land bearing Survey No. 342/1/6 area 1.036 Hect. situated in Village Susyahedi, Tehsil Sarangpur, District Rajgarh

which was given to him by way of lease by the Government.

02. The petitioner has filed copy of the Rin Pustika to show that he is the lease-holder of the land in question and two photographs of the building of the school viz. Govt. High School Susyahedi. Therefore, on the basis of these two documents, no finding can be given in a writ petition filed under Article 226 of the Constitution of India that the school building is constructed on the petitioner's land. It is a matter of evidence. When the construction was started, the petitioner should have approached the concerned Civil Court either to get an injunction and to establish that the construction is being raised on his land. In absence of this, the Writ Court cannot decide the issue involved in this petition. However, the petitioner is at liberty to approach the Civil Court to claim the relief which he is claiming in this petition.

03. With the aforesaid, this petition is dismissed.

Alok



**(VIVEK RUSIA)**  
**JUDGE**