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WP-26462-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 6<sup>th</sup> OF SEPTEMBER, 2024WRIT PETITION No. 26462 of 2024*ARUNVAN GOSWAMI AND OTHERS**Versus**COMMISSIONER OF POLICE AND OTHERS*

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Appearance:

*Shri Ajay Bagadia, learned Senior Advocate (through V.C.) assisted by Shri Arpit Yadav, counsel for the petitioners.*

*Shri Sudeep Bhargava, learned Dy. Advocate General for the respondent/State.*

*Ms. Kinjal Shrivastava, learned counsel for the respondents No. 6 and 7.*

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ORDER

This petition under Article 226 of the Constitution of India has been filed by the petitioners seeking direction to the respondents not to interfere with their peaceful possession and not to arrest them in an arbitrary and illegal manner.

2. According to the petitioner, they are owner of the land bearing Survey No. 114/1/1 Gram Chhota Bangarda near Saubhagh Estate Colony and they are in possession since last 40 years. The aforesaid land was purchased by their grandfather by way of oral sale deed 80 years ago. The colonizer has developed the Saubhagh Estate on Survey No. 111/1/1,



111/1/2, 14/1/1 and 114/1/2/1. In response to the complaint dated 18.07.2024 against unknown persons, the Indore Municipal Corporation through the Building Officer, Zone No. 16 has issued a final notice on 23.07.2024 to remove the illegal construction. The petitioners submitted their reply on 08.08.2024. On 13.08.2024, respondents No. 6 and 7 with the help of Police force have demolished the house of the petitioners in which they have been residing since last 40 years. According to the petitioners, they are still in possession of the aforesaid land, therefore, the respondents be restrained from dispossessing them.

3. The petitioner No. 2 has already filed civil suit RCS/A1076/2024 against private persons seeking a decree of specific performance of the contract only on 22.08.2024. The pleadings in the civil suit duly establish that the petitioners are not the registered owners of the property and now they are trying get title over the said land by way of suit. Except for the photographs and reply, no other documents has been filed to justify the legality of the construction on the aforesaid land.

4. Hence, no case for interference is made out in this petition under Article 226 of the Constitution of India. Accordingly, the same is hereby dismissed.

(VIVEK RUSIA)  
JUDGE