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WP-32453-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 29th OF NOVEMBER, 2024WRIT PETITION No. 32453 of 2024*PURUSHOTTAM GOYAL AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Manish Kumar Vijaywargiya - Advocate for the petitioners.

Shri Rajwardhan Gawde - G.A./P.L. for respondent Nos.1 to 3/State.

Shri Prasanna R. Bhatnagar - Advocate for respondent No.4.

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ORDER

1. By this petition preferred under Article 226 of the Constitution of India, the petitioners have prayed for the following reliefs :-

"The petitioner most respectfully pray that the petition may kindly be allowed by issuing appropriate writ, order of direction to the respondents-

(i) To refrain from demolishing the house of petitioners constructed on land bearing Survey no.850 & 851 situated in Ward No.12, Shujalpur Road, Pachore Distt. Rajgarh M.P.

(ii) To direct the respondents that if such demolition is required to be done for construction of road, then such demolition shall be done only after legally acquiring the property of petitioners and by paying appropriate compensation amount as per law to the petitioners.

(iii) To pass such further orders and grant reliefs in favour of petitioner as may be deemed fit and proper in the facts and circumstances of the case."

2. Learned counsel for the petitioners submits that the property of the petitioner has been marked by the respondents by red ink and they apprehend that the same shall be unauthorizedly removed without affording any opportunity of hearing to them.

3. Learned counsel for the petitioners submits that the petitioners are the owner of the property, but no notice has been given to them prior to marking of their house with a red line. It is submitted that if the petitioners are given an opportunity to submit documents and hearing, the petitioners will submit all the documents before respondent



No.4.

4. Learned counsel for respondent No.4 has submitted that a notice has been duly issued to the petitioners on 03.09.2024, hence, they cannot contend that the proceedings are being taken without affording them opportunity of hearing. However it is submitted that in response to the said notice the petitioners have not filed any reply and/or objection.

5. In the available facts of the case, it is directed that the petitioners should file the reply along with all requisite documents before respondent No.4 within a period of 10 days from today. Thereafter respondent No.4 shall afford them due opportunity of hearing and shall objectively consider the reply and pass a reasoned and a speaking order, and if any adverse order is passed, the same should not be given effect to for a further period of 7 days so that the petitioners can avail the remedy available to them, under law. Till the same is done by respondent No.4, no demolition of petitioners' house shall take place.

6. It is made clear that this Court has not expressed any opinion on the merits of the case.

7. With the aforesaid directions, petition stands *disposed of*.

(SUBODH ABHYANKAR)
JUDGE

Bahar