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WP-34246-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 30th OF OCTOBER, 2024WRIT PETITION No. 34246 of 2024*DINESH AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Petitioners by Shri Mayank Mishra - Advocate.

*Respondents No.1 to 4 - State of Madhya Pradesh by Shri Bhuwan Gautam
- Government Advocate appearing on behalf of Advocate General through Video
Conferencing.*

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ORDER

The present petition is placed before this Court in compliance of the order passed by Hon'ble the Chief Justice of Madhya Pradesh.

Heard on the question of admission.

The grievance of the petitioners is that Tehsildar, Bicholi Hapsi, District Indore (MP) passed an *ex parte* order under Section 248 of Madhya Pradesh Land Revenue Code, 1959 (herein after referred to as the Code of 1959) against the petitioners and issued a direction to remove the alleged illegal construction (Pucca Bridge) from government land bearing Survey No.71, Village Malikhedi, Tehsil and District Indore (MP) which is a river land. The order was passed on 01.05.2022, but the petitioners were not aware and they were not having any knowledge regarding the order passed by the Tehsildar on 01.05.2022. The petitioners received a notice from the Tehsildar, Tehsil Bicholi Hapsi, District Indore (MP) on 25.10.2024 whereby twenty four hours time was granted to the



petitioners to remove the alleged illegal construction (Pucca Bridge) and only thereafter, the petitioners came to know about order dated 01.05.2022 passed against the petitioners under Section 248 of the Code of 1959.

2. The petitioners have approached this Court assailing notice dated 25.10.2024 and seeking a relief for staying the operation and enforcement of the notice for a period of two months to enable the petitioners to prefer an appeal under Section 44 of the Code of 1959.

3. The petitioners want to prefer an appeal under Section 44 of the Code of 1959. As per the petitioners' relief clause the documents are not available with the petitioners at present and they are collecting the relevant documents and certified copies which are required to file an appeal before the Appellate Authority.

4. Considering the facts and circumstances of the case and without commenting anything on merits of the case, the petition is disposed off with a liberty to the petitioners to assail impugned order dated 01.05.2022 and notice dated 25.10.2024 before the Appellate Authority, in accordance with law. However, in view of the fact that festival time is going on, it is directed that no coercive action shall be taken against the petitioners for a period of ten days from today.

5. With the aforesaid observation and direction, the present petition is disposed of.

(VINAY SARAF)
JUDGE