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WP-34770-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 6th OF NOVEMBER, 2024WRIT PETITION No. 34770 of 2024*RUBINA BI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Kuldeep Pathak - advocate for the petitioner.
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ORDER

This petition under Article 226 of the Constitution of India has been filed by the petitioner seeking the following reliefs:-

"a) To allow this petition by issuing appropriate writ, direction or order and to direct the respondents to not to carry out any demolition activity in relation to land and building situated at part of Plot No.1 and 2, Municipal House No.1/1 and 2/1, Veer Durgadas Marg, Path No.03, Ujjain, District Ujjain admeasuring 34.73 square meter, without following due process of law; and

b) to direct the respondents not to dispossess the petitioner from the above mentioned land, without following due process or law; which the petitioner is holding as valid title holder; and

c) Any other relief is this court may deem fit, in favour of the petitioner, in the interest of justice."

2] The grievance of the petitioner is that a part of his construction shed has been demolished without any notice despite the fact that the petitioner is legally occupying the premises. All the documents have also been filed on record.



3] Counsel for the petitioner has also submitted that the respondent has given seven days time to the petitioner to remove the entire construction and no notice in writing has ever been issued to the petitioner. Thus, it is submitted that the petitioner's right may be settled.

4] On due consideration and on perusal of the documents filed on record this Court is inclined to dispose of this petition with a direction to the respondents to take action against the petitioner only after serving proper notice to him and deciding his reply, and also after affording due opportunity of hearing. The aforesaid exercise be completed within a period of four weeks, and if any, adverse order is passed, the petitioner be also given at least seven clear days time to take recourse the remedy available to him under the law.

5] Needless to say, no coercive action shall be taken against the petitioner till his case is decided as aforesaid.

6] With the aforesaid directions, the writ petition stands *disposed of*.

(SUBODH ABHYANKAR)
JUDGE