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WP-15116-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 2nd OF MAY, 2025WRIT PETITION No. 15116 of 2025*SHER KHAN**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Syed Ashhar Ali Warsi - advocate for the petitioner.

Shri Raghav Shrivastava -Govt. Adv. appearing on behalf of Advocate General.

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ORDER

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

"7.1. To pass an order for inquiry against respondent no. 3 & 4 for willful omission of their duties in protection of legal rights of petitioner.

7.2. To pass an order against the respondents for allowing illegal and arbitrary encroachment on legally owned private land of petitioner and violation of fundamental rights of petitioner.

7.3. To pass an appropriate order or orders as this Hon'ble Court deems fit and proper considering the facts & circumstances of this case.

7.4. Allow this petition with cost."

2] The grievance of the petitioner is that the land in question was purchased by his father through a registered sale deed from one Smt. Gangabai in the year 1985, on which, there were three *Chhatries* (domes) constructed, and in the sale deed itself in para 5, it has been stipulated that the aforesaid Chhatries (domes) shall be removed by her within one year, and if she fails to do so, she would not have any right on the same to visit those domes.



3] The grievance of the petitioner is that recently certain unscrupulous persons have started coming to those domes and are also performing religious rites on the same. This is despite the fact that the land belongs to the petitioner and they have also been asked to leave the land, and despite compliant being made to the local administration however, no action has been taken by the authorities and on the contrary, the authorities are also allowing the unscrupulous persons to encroach upon the petitioner's land.

4] Counsel for the respondent, on the other hand, has submitted that the appropriate order may be passed.

5] Having heard the rival submissions, perusal of the documents filed on record, this Court is inclined to dispose of this petition with a direction to the petitioner to file a fresh representation along with all the relevant documents within two weeks time before the concerned authority, who shall decide the same by passing a reasoned and speaking order, after giving opportunity of hearing to the concerned parties (if any), in accordance with law, within a further period of four weeks from the date of receipt of certified copy of this order.

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

(SUBODH ABHYANKAR)
JUDGE