



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 3rd OF MAY, 2025

WRIT PETITION No. 16327 of 2025

NASEEM BI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Syed Ashhar Ali Warsi - Advocate for the petitioners.

Shri Anand Bhatt - G.A./P.L. for respondents/State, on advance notice.

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ORDER

1] Heard.

2] This writ petition has been filed by the petitioners under Article 226 of the Constitution of India, seeking the following reliefs:-

"7.1. To pass an order to quash or set aside the impugned notice dated 02/05/2025 in interest of justice.

7.2. To pass an order against the respondent no.2 for issuing a false, illegal and frivolous notice to the petitioners.

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."

3] The petitioners are aggrieved by the issuance of show cause notice to them by the respondent No.2 for removal of the encroached construction on their plot.

4] Counsel for the petitioners has submitted that the notice has also been issued in the name of Jibrail and Chand Mubarik, who are not the owners of the property, whereas against Jibrail a criminal case has been registered in Indore, and as a counter-blast, the aforesaid notice has been



issued to them giving only two days' time to remove the construction. Counsel has also submitted that the petitioners have all the relevant documents, but looking to the short time granted by the respondents, the petitioners are apprehending that adverse order may be passed against them, and their construction may be demolished, despite the fact that the property is not in the name of the petitioner No.1's sons.

5] Counsel for the State has opposed the prayer.

6] Having considered the rival submissions, and on perusal of the documents filed on record, this Court is inclined to dispose of this petition with a direction that the impugned notice dated 02.05.2025 shall stand quashed, and the respondents shall issue appropriate show cause notice to the petitioners giving reasonable time to reflect upon the same, and pass the reasoned order, after giving due opportunity of hearing to the petitioners. If any adverse order is passed against the petitioners, the same shall be executed only after ten days time, so that the petitioners can avail the remedy, available to them, under law, against the aforesaid order.

7] It is made clear that this Court has not reflected upon the merits of the case.

8] With the aforesaid, the petition stands *disposed of*.

(SUBODH ABHYANKAR)
JUDGE