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WP-17359-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 11th OF MAY, 2025

WRIT PETITION No. 17359 of 2025

NASEEM BI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Syed Ashhar Ali Warsi, Advocate with Shri Moh. Hashim,
Advocate and Ms. Priyal Agrawal, Advocate for the petitioner.
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ORDER

This petition under Article 226 of the Constitution of India has been preferred by the petitioner being aggrieved by the show cause notice dated 05.05.2025 issued by Nagar Parishad, Chhapiheda, District Rajgarh in exercise of power under Sections 223 and 187 (8) of the M.P. Municipalities Act, 1961.

02. Earlier a similar notice had been issued against the petitioner and others which was challenged by the present petitioner and one Israil Khan by preferring W.P. No.16327/2025 which was disposed off by order dated 03.05.2025. The notice was quashed and the respondents were directed to issue appropriate show cause notice to the petitioners therein giving reasonable time to reflect upon the same and to pass a reasoned order.

03. Learned counsel for the petitioner has submitted that now again the notice which has been issued to the petitioner grants her and her son Israil



only seven days for filing the reply. It is submitted that Israil is presently in custody and it shall not be possible for the petitioner to file reply on his behalf in such a short time. It is also submitted that the notice has again been issued against Jibrail and Chand Mubarak to whom the previous notice was also issued who are not the owners of the property. It is hence submitted that the impugned notice be quashed.

04. Though by the order passed in the previous writ petition, the notice questioned therein was quashed but the same was primarily on the ground that only two days time has been granted to the petitioner to file their reply. Even in the present impugned notice, the time which has been awarded for submitting the reply is extremely short and it shall not be possible for the petitioner to file reply in such a short period particularly when her son Israil is already in custody. In the notice, the names of Jibrail and Chand Mubarak have also been mentioned but the same can be wholly ignored since in the order passed in the previous petition, it has already been held that they are not the owners of the property. The impugned show cause notice would hence be deemed to have been issued only to the present petitioner and Israil.

05. It is further observed that by way of the impugned notice, the petitioner has only been directed to file her reply and the threat of taking action is only in case such a reply reply is not filed. It is open for the petitioner to file the reply.

06. It is hence directed that the petitioner should file her reply along with all the relevant documents before respondent No.2 within a period of three weeks from today. The reply and the documents filed by the petitioner



shall be duly adverted to by respondent No.2 in a proper perspective and she would be afforded due opportunity of hearing and thereafter only a reasoned and a speaking order shall be passed by.

07. Till the same is done, the impugned show cause notice dated 05.05.2025 (Annexure P/6) shall be kept in abeyance. In case the final order is against the petitioner then the same shall not be given effect to for a period of ten days for permitting the petitioner to assail the same in accordance with law.

08. With the aforesaid, without expressing any opinion on merits, petition stands disposed off.

(PRANAY VERMA)
JUDGE

Shilpa