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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI
ON THE 24th OF NOVEMBER, 2022

WRIT PETITION No. 15598 of 2020

BETWEEN:-

NANJI BHAI S/O BHAGWANJI BHAI, AGED ABOUT 62 YEARS, OCCUPATION: PARTNER, BASANT TIMBER TRADERS, KULHARDA, M.P., R/O SUBHASH WARD HARDOL, NEAR HARDOL BABA MANDIR STATION ROAD HARDA (MADHYA PRADESH)

.....PETITIONER

(BY SHRI UMA SHANKAR TIWARI- ADVOCATE)

AND

1. SMT. USHA RANI D/O SETH MONOHARLAL KUMAR W/O SHRI NAREMDRA KUMAR AGRAWAL, AGED ABOUT 60 YEARS, NARMADA NAGAR HARDA, DISTT. HARDA M.P. (MADHYA PRADESH)
2. MANOJ KUMAR AGRAWAL S/O MANOHAR KUMAR AGRAWAL, AGED ABOUT 50 YEARS, OCCUPATION: COLONIZER/BUILDER, R/O NARMADA NAGAR HARDA ATTORNEY HOLDER OF RESPONDENT NO. 1, SMT. USHA RANI (MADHYA PRADESH)
3. TOWN INSPECTOR P.S KOTWALI HARDA, DISTRICT HARDA (MADHYA PRADESH)
4. LALIT KUMAR PILLAI, MASHKURI CIVIL COURT, NAZRATH CIVIL COURT HARDA, DISTRICT HARDA (MADHYA PRADESH)
5. RAMADHAR KOTWAR, VILLAGE HARDA, TEHSIL & DISTRICT HARDA (MADHYA PRADESH)

.....RESPONDENTS

(SHRI VIKRAM JOHRI- ADVOCATE FOR THE RESPONDENT NOS. 1 & 2 AND SHRI SONKUSALE- ADVOCATE FOR RESPONDENT NO. 4)

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This petition coming on for admission this day, the court passed the following:

ORDER

In this petition, under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:-

(i) Grant compensation from respondent No.1 and 2 to the tune of Rs.15 lacs for the looting, destruction, dispossession and damage of the property of the petitioner and also as to token money of the reputation of the petitioner.

(ii) Order the respondent No. 3, 4 and 5 to the disciplinary proceeded against, by their departments.

(iii) Any other order or orders that this Hon'ble Court deems fit and proper under the facts and circumstances of the case may also kindly be passed.

Learned counsel for the respondents No. 1 and 2 submitted that the Civil Suit No.47-A/1992 has already been decided and the execution proceedings have also been over. On the basis of judgement and decree, respondent Nos. 1 and 2 have been granted lawful possession of the property in question, therefore, the prayer claimed in this petition cannot be granted to the petitioner.

This Court finds force in the submissions made by learned counsel for respondent Nos. 1 and 2. In any case, the petitioner would be having remedy of filing appeal and seeking injunction therein and not by way of filing the present writ petition.

Accordingly, this petition being bereft of merit and substance, is hereby

dismissed.

**(S. A. DHARMADHIKARI)
JUDGE**

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