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WA-1008-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 22nd OF APRIL, 2025WRIT APPEAL No. 1008 of 2025*BRAJGOPAL SONI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Mukesh Agrawal - Advocate for the appellant.

Shri Anubhav Jain - Govt. Advocate for State.

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ORDER

Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice

The appellant has prayed for following relief in this writ appeal:-

- (i) Quash the order dated 25.03.2025, passed by Id. Writ court in WPNo.8846/2025.*
- (ii) dismiss the WP No.8846/2025.*
- (iii) direct to delete the name of the appellant as respondent No.5 from the array of cause title of the writ petition.*
- (iv) To issue any writ/direction in favour of the appellant as this Hon'ble Court deemed fit.*

2. The writ Court has disposed of the writ petition directing the Collector Chhatarpur to look into the grievance of the writ petitioner and carryout demarcation of the land contained in Survey No.708 and if it is found that it is a Government land and private respondent has encroached on any portion of the land, then cause removal within a period of fifteen days



from the date of receipt of certified copy of the order.

3. Counsel appearing for appellant submits that the appellant was arrayed as respondent No.5 in the writ petition, however, there is no notice issued to him and he could not get opportunity to be heard before the writ Court.

4. On perusal of the impugned order dated 25.03.2025, we find that there is no adverse order passed against respondent No.5 (appellant herein) because it is directed to carry out the demarcation and if there is any encroachment on the portion of the land, then only same shall be removed.

5. We hereby make it clear that the appellant herein may also participate in the demarcation proceedings and if the demarcation proceeding prejudices the rights of the appellant herein, he may challenge the same before appropriate forum.

6. In view of above, we find no error in the order passed by the writ Court. Finding no merit in the present appeal, the same is accordingly, **dismissed.**

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

Praveen