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WP-35154-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 2<sup>nd</sup> OF DECEMBER, 2025

WRIT PETITION No. 35154 of 2025

*RAJESH PRASAD GAUTAM AND OTHERS*

*Versus*

*THE STATE OF MADHYA PRADESH*

.....  
Appearance:

*Shri Santosh Kumar Pathak, learned counsel for the petitioner.*

*Shri Anubhav Jain, learned Government Advocate for the respondent/State.*  
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ORDER

*Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice*

1. Petitioner by the subject Public Interest Litigation seeks a direction to the respondents to take action against alleged illegal encroachment made by respondent nos.5 to 7.

2. Learned counsel for the petitioner has shown that the petitioner had earlier approached this Court by way of another public interest litigation being W.P.No.19665/2016 which was disposed of by noticing that the Tahsildar had already requested the Commissioner Municipal Corporation to initiate proceedings for removal of encroachments by invoking provisions of M.P. Land Revenue Code. The petition was disposed of on 02.12.2016 directing the authorities to take action as contemplated under law i.e. under Section 248 of the M.P. Land Revenue Code.



3. Subsequently, petitioner filed a contempt petition being Contempt Case No.1099/2017 which was disposed of on 03.01.2018 noticing that the proceedings under Section 248 of the M.P. Land Revenue code had been initiated against the encroachers. The Court recorded the statement of the counsel for the State that the final order shall be passed expeditiously preferably within a period of two months.

4. The contention of learned counsel for the petitioner is that despite the assurance being given to the Court, no encroachments has till date been removed and as per his instructions, even the proceedings under Section 248 of the Code have not been disposed of. Petitioner had subsequently filed another contempt petition being Contempt Petition (Civil) No.448/2020 which was dismissed on the ground of limitation. Learned counsel for the petitioner submits that the limitation will not apply for the reason that the encroachment continues and giving rise to a recurring cause of action.

5. Since the earlier public interest litigation filed by the petitioner has already been disposed of by order dated 02.12.2016 directing the respondents to take action as contemplated under law i.e. under Section 248 of the M.P. Land Revenue Code and to remove encroachment after holding due process of law. We dispose of this petition directing the respondents to comply with the order dated 02.12.2016 subject to the outcome of the proceedings under Section 248 of the M.P. Land Revenue Code. In case the proceedings under Section 248 of the M.P. Land Revenue Code are still pending and final order has not been passed, the authorities are directed to pass the order within a period of two months from today after complying



with the principle of nature justice. In case , the order has been passed then appropriate action, if so warranted, be taken in accordance with the said order as expeditiously as possible.

**(SANJEEV SACHDEVA)**  
**CHIEF JUSTICE**

**(VINAY SARAF)**  
**JUDGE**

P/-