

(2021) 07 MP CK 0002

Madhya Pradesh High Court (Indore Bench)

Case No: Writ Petition No. 11277 Of 2021

Satyanarayan

APPELLANT

Vs

Chief Executive Officer
& OthersRESPONDENT

Date of Decision: July 1, 2021

Acts Referred:

- Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 - Section 60

Hon'ble Judges: Sujoy Pau, J; Anil Verma, J

Bench: Division Bench

Advocate: Ashish Joshi

Final Decision: Disposed Of

Judgement

The grievance of petitioner is that the Secretary, Gram Panchayat Baroli Janpad Panchayat Dewas is issuing repeated notices like notice dated

1.6.2021, Annexure P-1, whereby he is directing the petitioner to remove the encroachment from government land.

Shri Joshi, learned counsel for petitioner submits that there exists no encroachment in the government land but indeed, the petitioner has raised

construction on his own land. The Division Bench of this Court in suo motu writ petition directed that no action during this pandemic period be taken

for removing the construction etc. By taking assistance of Section 60 of Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993, it is urged that

competent authority is Chief Executive Officer Janpad Panchayat and not the Panchayat Secretary.

We deem it proper to dispose of this writ petition with following directions:

1. Petitioner shall file a detailed representation against the impugned notice before Chief Executive Officer, Janpad Panchayat within 7 working days

from today, failing which the interim protection shall ceased to operate automatically;

2. Petitioner shall file relevant documents alongwith his aforesaid representation;

3. In turn, Chief Executive Officer, Janpad Panchayat Dewas shall examine the grievance of petitioner and take a decision by passing a reasoned

order expeditiously;

4. If representation is preferred within the aforesaid time, till decision is taken by Chief Executive Officer, status quo, which is prevailing today on the

property in question, shall be maintained by the parties.

Writ petition is disposed of, without expressing any opinion on the merits.

Certified copy as per rules.