
(2014) 10 MP CK 0102

Madhya Pradesh High Court

Case No: Writ Petition No. 12582 of 2014

Mukesh Wahane

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision: Oct. 7, 2014

Citation: (2015) 1 JLJ 250

Hon'ble Judges: A.M. Khanwilkar, C.J; Shantanu Kemkar, J

Bench: Division Bench

Advocate: Sunil Choubey, Advocates for the Appellant; Piyush Dharmadhikari, Government Advocate, Advocates for the Respondent

Judgement

@JUDGMENTTAG-ORDER

1. Considering the nature of grievance made in this petition about the encroachments caused on the road connecting main road which connects Madanpur village to Waraseoni, District Balaghat, instead of examining that grievance for the first time in this Court, we deem it appropriate that the said grievance ought to be examined by the Collector in the first instance and thereafter to take appropriate legal action in accordance with law after following due process and giving opportunity to all concerned. We, accordingly, pass following directions for disposing of this petition:

(i) The petition be treated as representation made to the Collector, District Balaghat about encroachments on subject land, which incidentally is Government land/public property.

(ii) The Collector shall cause to make enquiry into this grievance and if he is convinced about the same, he will be obliged to take action against the encroachers and unauthorized structures to remove the said encroachment on the public property with utmost dispatch by following due process and giving opportunity to all concerned.

(iii) If the Collector has any difficulty in taking follow-up action as per the direction issued by him, must report that fact to this Court forthwith and seek appropriate directions, as

may be required.

(iv) If the revenue authority intends to proceed to remove/demolish unauthorized structure(s) standing on the public property and apprehends any threat from the encroachers with regard to that action, may request Superintendent of Police, Balaghat to provide sufficient police force for security arrangement. If such request is made, the Superintendent of Police shall personally ensure that adequate police force is deputed on the site, on the date and time notified by the revenue authority for proceeding with the removal/demolition of unauthorized structure(s) standing on the public property.

(v) In case the revenue authorities have any difficulty in taking action, in accordance with law, and in terms of the direction contained hitherto, must approach this Court for appropriate directions with utmost dispatch.

(vi) Any person aggrieved by the decision or action of the revenue authorities will be free to challenge the same by way of appropriate proceedings, if so advised, before the Court of competent jurisdiction.

(vii) If any adverse order is passed by the Collector, the affected person(s) be given one week's time before taking action on the basis of that order to enable the concerned person(s) to assail that order by way of appropriate proceedings before the Court of competent jurisdiction.

2. Action taken report be filed by the Collector in this Court, on or before 7.1.2015. If such report is not filed, the matter be notified on 13.1.2015 under caption "Directions" for passing appropriate orders. Liberty is given to the petitioner to move this Court if the action taken report is deficient or discloses that complete action has not been taken to remove all the unauthorized occupants/structures.

3. This order shall be carried out promptly by all concerned in its letter and spirit. Subject to above, the petition and pending interim application(s) filed therein, be treated as disposed of.