

Jitendra Kumar Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Nov-30-2012

Appellant : Jitendra Kumar

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Shailendra Verma

Judgement :

Writ Petition No.19133/2012 30.11.2012 Shri Shailendra Verma, learned counsel for the petitioners. Shri Lalit Joglekar, learned PL for respondent Nos.1 to 4.

Heard on the question of admission.

The petitioners have filed this petition under Article 226 of the Constitution of India for quashment of the order dated 27.9.2012, (Ann.

P-7) passed by respondent No.4, Tahsildar Rahatgaon, district Harda in Revenue case No.98-A/68/11-12 and the order dated 1.10.2012 passed by the SDO, Timarni in Revenue Appeal No.1-A/68/12-13 whereby the aforesaid earlier order of Tahsildar passed under Section 248 of M.P.Land Revenue Code directing the petitioners to remove the alleged encroachment has been affirmed.

In the course of arguments on admission on asking the petitioners' counsel that in view of availability of forum of second appeal to challenge the impugned order before the court of Commissioner Revenue under the provision of M.P.Land

Revenue Code to the petitioners. how this writ petition filed under Article 226 could be entertained for quashment of aforesaid order, on which instead to argue further he seeks permission to withdraw this petition with liberty to file the second appeal under the provision of M.P.L.R.C. to challenge the aforesaid orders. Considering his prayer without expressing any opinion on merits of the matter, the petition is hereby dismissed as withdrawn by extending a liberty to the petitioners to challenge the aforesaid orders by way of second appeal before the court of Commissioner.

On filing the application along with aforesaid second appeal the petitioners shall be entitled to get exclusion of the period in limitation spent by him in prosecuting the present petition.

C c as per rules.

(U.C. Maheshwari) Judge bks

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