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Ashok Kumar Sable Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Nov-30-2012

Appellant : Ashok Kumar Sable

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sankalp Kochar

Judgement :

Writ Petition No.19184/2012 30.11.2012 Shri Sankalp Kochar, learned counsel for the petitioner.

Shri Piyush Dharmadhikari, learned Govt.

Adv for respondent Nos.1 and 2.

Heard on the question of admission.

The petitioner has filed this petition under Article 226 of the Constitution of India for issuing appropriate writ in the nature of Mandamus directing the authorities of the respondents to reconsider the location of land for construction of towers and poles for Sarni Power House and its new Unit so as exclude the land of the petitioner in terms of Section 17 of the Indian Telegraph Act 1985.

In alternate to it prayer for appropriate direction to the respondent authorities to ascertain and grant full compensation for the losses suffered by the petitioner due

to construction of Sarni Power House and erection of towers and poles through the land of the petitioner and pay him the same.

Apart this, additional prayer for appropriate direction to the respondent authorities not to enter the land of the petitioner without ascertaining and granting compensation to the petitioner for the losses suffered by him.

Initially the case was argued for admission and allowing the petition but in view of pendency of the representation of the petitioner, Ann.

P-6 before the authorities of the respondents, on making certain query on which instead to argue further, petitioner's counsel prays to dispose of this petition with appropriate direction to respondents- authorities to consider and decide the aforesaid representation, Ann.

P-6 with speaking order in time bond schedule.

The State's counsel did not have any objection in disposing of the petition on the aforesaid limited prayer of the petitioner's counsel.

In the aforesaid circumstances instead to admit this petition or issuing any notice to the other side, this petition is disposed of with a direction to the authorities of the respondents to consider and decide the aforesaid representation of the petitioner, Ann.

P-6 with speaking order under his intimation within 30 days from the date of submitting the certified copy of this order alongwith copy of the petition and Annexures in the office of its authority by the petitioner.

The petitioner is directed to inform about this order to all authorities of the respondents alongwith aforesaid papers within five days from the date of obtaining the certified copy of this order.

Apart this, the respondents authorities are directed that on consideration, if the case of the petitioner is found fit for extending the benefit as prayed by him or any of them, the same be extended to him.

Considering the prayer of the State's Counsel the District Magistrate is directed to extend the opportunity of hearing to both the parties.

In view of the aforesaid premises it is expected from the authorities of the respondents that till adjudication of the representation they will not take any coercive step with respect of the alleged property of the petitioner.

C c as per rules.

(U.C.Maheshwari) Judge bks

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