

Govind Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-19-2012

Appellant : Govind

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sandeep Singh

Judgement :

W.P.No.16112/2012 (Govind and others versus State of MP and otheRs.19.10.2012 Heard Shri Sandeep Singh, learned counsel for the petitioners on the question of admission and interim relief.

The petitioners who are the temporary vendors and who have installed temporary stalls adjacent to the old Japand Panchayat, Patera Disrict Damoh have filed this petition praying for a direction to the respondents/authorities to decide the representation filed by the petitioners wherein they have prayed that they may not be removed/displaced.

It is submitted by the learned counsel for the petitioners that the petitioners have been putting up their stalls in the concerned place since last several years and without taking into account this fact the respondents propose to construct shops behind the existing stalls of the petitioners pursuant to which the petitioners would be displaced and removed.

It is submitted that the petitioners have filed a representation before the Collector, Damoh as well as Tahsildar, Patera but no decision thereon has been taken by them till date.

On perusal of the petition it is apparent that the tender notices for allotment of the shops were issued by the Janpad Panchayat, Patera on 03.02.2012 and tenders were opened on 06.02.2012.

On a query being made, it is informed that the shops have been allotted to certain individuals pursuant to the tender notice but the price being very high none of the petitioners either applied for the same or have been allotted any shop.

In view of the aforesaid developments that have already taken place and looking to the fact that the petitioners have neither participated in the auction nor have they assailed the tender proceedings of the allotment of the shops and have filed this petition after a lapse of 8 months, therefore, without commending upon the entitlement of the petitioners or their rights, the petition is disposed of with a direction to the respondents to consider and decide the representation of the petitioners in accordance with law.

It is however made clear that this court has not expressed any opinion on the merits of the case or made any comments on the entitlement of the petitioners and therefore the authority would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter either accept or reject the representation of the petitioners. With the aforesaid direction the petition, filed by the petitioners stands disposed of.

C.C as per rules.

(R.S.JHA) JUDGE msp

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