

Krishn Kumar Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Nov-09-2012

Appellant : Krishn Kumar

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Amitabh Gupta

Judgement :

W.P.No.19231/2012 Krishn Kumar State of M.P.& others 9.11.2012 Shri Amitabh Gupta, counsel for petitioner.

Shri Vijay Pandey, Dy.A.G., for respondents.

Heard on admission.

Issue show cause notice to the respondents.

Steps within a period of one week.

Petitioner is also directed to serve one more copy of the petition to Shri Vijay Pandey, learned Dy.A.G., during the couRs.of the day, against acknowledgment.

Shri Pandey, prays for a short time to seek instructions.

Prayer is allowed.

Be listed for hearing on 3.12.2012.

Ad-interim writ.

It is submitted by the petitioner that the houses of various persons are situated on the land in question survey no.457 of village Orchha, since more than 50 years and all of a sudden the khaSr.entries are changed and not the persons residing on the land in houses are apprehending that their houses may be demolished during the vacation of Deepawali.

It is submitted that the respondents may be restrained from demolishing the houses on the aforesaid land.

Shri Vijay Pandey, learned Dy.A.G., submitted that at present only a show cause notice has been issued by the Tahsildar under section 248 of the M.P.Land Revenue Code, 1959 and the petitioner and other persons, who have received notices may submit their reply to the authority in this regard.

Only after hearing the affected persons the Tahsildar would be passing the order, which is also an appealable order, so no ad-interim writ may be issued.

W.P.No.19231/2012 Krishn Kumar State of M.P.& others Considering the fact that there are ensuing holidays of Deepawali and during this period, if any coercive action is taken against the persons of survey no.457, they may suffer irreparably.

In the aforesaid circumstances, till next date of hearing, it is directed that status quo as on today, in respect of houses situated on survey no.457 of village and Tahsil Orchha, be maintained by both the parties.

However, the persons to whom notices under section 248 of the M.P.Land Revenue Code are issued may submit their reply to the concerned Tahsildar, supported by necessary documents, but the concerned Tahsildar shall not pass any order in the proceedings under section 248 of the Code, till next date of hearing.

C.C., today.

(Krishn Kumar Lahoti) (Smt.Vimla Jain) M.

Judge Judge

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