

(Dataram Mahor Vs. State of M.P. & Others)**27.10.2016**

Shri Ajeet Singh Bhadoriya, Advocate for the petitioner.

Shri Praveen Newaskar, Govt. Advocate for the respondent/State.

The present PIL raises the alleged public cause that on a Government land bearing Survey No. 930 and 928 on which road for passage of public is constructed from Khureri to Main Road Badapura, Morar Distt. Gwalior, certain encroachment has taken place on the behest of respondent no. 6 to 9 and the official respondents herein are silent spectators.

After hearing learned counsel for the petitioner, this Court is of the considered view that road in question on which encroachment is alleged is situated within the territorial jurisdiction of Municipal Corporation, Gwalior which is governed by M.P. Municipal Corporation Act, 1956(for brevity, the Act of 1956), which in Section 307 provides for efficacious statutory remedy before any person to approach the District Court for removal or alteration of any building or construction made in contravention of the provisions of the Act of 1956 and the petitioner can very well avail the said remedy.

In view of the above alternative efficacious remedy available to the petitioner, this Court declines interference in the matter and relegates the petitioner to avail the said remedy in accordance with law.

With the aforesaid observation, present petition stands disposed of.

(Sheel Nagu)
Judge

(S.K. Awasthi)
Judge

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