

Writ Petition No.1686/2016

29/02/2016

Shri A. K. Sethi, learned Senior Counsel with Shri Prateek Maheshwari, learned counsel for the petitioner.

Shri Rishi Tiwari, learned counsel for the respondent - Indore Municipal Corporation.

In the present case notice dated 24/02/2016 has been issued to the earlier owner and therefore, the petitioner who is now the owner was not able to file reply.

This writ petition is directed against the notice dated 24/02/2016 whereby the petitioner is required to remove the alleged unauthorized construction.

The grievance of petitioner is that no encroachment has been done by petitioner and that without giving an opportunity of hearing and without ascertaining the correct position of the spot, the impugned notice for removal of encroachment has been issued.

Counsel for respondents have fairly stated before this court that they have no objection in considering the reply and the documents of petitioner in response to the impugned notice and they have also agreed that any action will be taken after the joint inspection and ascertaining the extent of encroachment on the basis of documents submitted by petitioner.

In these circumstances writ petition is disposed of by permitting the petitioner to appear and to submit the reply alongwith all relevant documents before respondent No.1 on 21/03/2016 when respondent No.1 will consider the reply and if need so arises will also carry out the joint site inspection and will ascertain the extent of encroachment if any existing on the spot and after passing a reasoned order, appropriate action in accordance with law will be taken.

C. C. as per rules.

(S. C. SHARMA)
J U D G E

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