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THE HIGH COURT OF MADHYA PRADESH
WP 3025 of 2013
Hemant Singh vs. State of MP and Others

Gwalior, Dated :30/11/2019

Shri Prashant Sharma, Counsel for the petitioner.

Shri Sanjay Bahirani, Government Advocate for the respondents No.1 to 3/ State.

Shri Raghvendra Dixit, Counsel for the respondent No.4- Gwalior Development Authority.

This petition has been filed under Article 226 of the Constitution of India against the order dated 20/12/2012 by which the Gwalior Development Authority (in short "GDA") has refused to grant NOC to the petitioner on the ground that the land in question is included in the notification issued under Section 50(7) of MP Nagar Tatha Gram Nivesh Adhiniyam, 1973 [in short "the Adhiniyam, 1973"].

(2) Although the said order has been challenged on various grounds, but the GDA has taken a specific stand in its return that in view of Section 52 of Adhiniyam, 1973, only the State has jurisdiction to grant NOC in respect of land which is included in the Scheme notified under Section 50(7) of Adhiniyam, 1973.

(3) In the light of the stand taken by GDA, it is submitted by the Counsel for the petitioner that the petitioner may be granted a liberty to approach the State Government for grant of NOC.

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- (4) Accordingly, the counsel for the petitioner is permitted to withdraw this petition with liberty to approach the State Government under Section 52 of Adhiniyam, 1973.
- (5) The liberty granted by this Court should not be construed as a direction to the State Government to release the land from the Scheme. If the application is filed, then it shall be considered strictly in accordance with law as well as in accordance with the judgments passed by the Supreme Court as well as by this Court from time to time with regard to the definition of implementation of Scheme.
- (6) With aforesaid liberty, this petition is **finally disposed of**.

(G.S. Ahluwalia)
Judge

MKB

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MAHENDRA KUMAR BARIK
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