

The High Court Of Madhya Pradesh**WP-28801-2019***(SANTOSH SHARMA Vs THE STATE OF MADHYA PRADESH AND OTHERS)***Jabalpur, Dated : 30-12-2019**

Shri Siddharth Sharma, learned counsel for the petitioner.

Shri Praveen Chaturvedi, learned Govt. Advocate for the respondents/
State on advance copy.

In the instant petition a challenge has been made to the order dated 19.7.2019 passed by the Naib Tehsildar, Tehsil Punasa, District Khandwa, whereby the encroachment is sought to be removed under Section 248 of the M.P. Land Revenue Code, 1959. Admittedly, against the said order, an appeal is pending before the Sub Divisional Officer (Revenue), Punasa, District Khandwa under Section 44 of the Code of 1959.

Counsel for the petitioner submits that the said appeal is pending and therefore, the present petition may be disposed of with a direction to the Appellate Authority to consider and decide the appeal in accordance with law. It is further stated that till this date in pursuance to the impugned order passed by the Naib Tehsildar no demolition has taken place.

Counsel for the State submits that the appeal of the petitioner shall be decided in accordance with law by the Appellate Authority in case if it is not already decided.

Considering the aforesaid submissions and as agreed to by the parties, the present petition is disposed of with a direction to the Sub Divisional Officer (Revenue), Punasa, District Khandwa to consider and decide the pending appeal of the petitioner filed against the order dated 19.7.2019 passed by the Naib Tahsildar, Circle Manghata, Tehsil Punasa within a period of two weeks from the date of filing of the certified copy of the order passed today.

Considering the submissions of the learned counsel for the petitioner that the impugned order dated 19.7.2019 has yet not been carried out and the demolition has not taken place, it would be open for the Appellate Authority

to consider and decide the stay application of the petitioner as well before proceeding further in the matter.

Accordingly, the writ petition is **disposed of**.

C.C. as per rules.

(VIJAY KUMAR SHUKLA)
V. JUDGE

(B. K. SHRIVASTAVA)
V. JUDGE

mrs. mishra



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