

The High Court Of Madhya Pradesh**WP-5246-2020***(MOIJ ALI Vs STATE OF M.P THROUGH CULTURAL DEPARTMENT AND OTHERS)***Indore, Dated : 29-02-2020**

Ms. Pratikshya Maheshwari, learned counsel for the petitioner

Ms. Sadhana Pathak GA for the respondent / State.

Co-ordinate Bench of this Court in W.P. no. 5241/2020 has passed the order dated 26/02/2020, which reads as under :

"The petitioner before this Court has filed this present writ petition being aggrieved by the notice dated 5/2/2020 and the notice has been issued in respect of the alleged illegal construction. The notice has been issued as the construction is allegedly contrary to the statutory provisions as contained under the M. P. Nagar Palika Adhiniyam, 1956 and the M. P. Bhumi Vikas Rules, 2012. The petitioner has not filed any reply and straightway rushed to this Court.

Resultantly, without averting to the merit of the case, the petitioner is permitted to file a reply.

It has been stated that the petitioner has already filed a reply. However, learned counsel submits that he be again granted liberty to file a detailed reply.

Keeping in view the aforesaid, the petitioner is granted further a week's time to file reply to the notice. The petitioner shall file reply positively by 03/03/2020 and the competent authority shall pass appropriate order positively by 05/03/2020.

Not only this, it has been brought to the notice of this Court by the learned Government Advocate that a Division Bench of this Court in W.P.No. 22807/2018 has directed the Indore Municipal Corporation, Indore to remove all kinds of illegal construction / encroachments near and around Bolia Chhatra and action has been taken in the light of the order passed by the Division Bench.

However, in the present case, notice has been issued, the Competent Authority is required to pass order in accordance with law. The Competent Authority shall pass appropriate order positively by 05/03/2020.

Till 05/03/2020, no demolition activity shall be carried out.

With the aforesaid, the present petition stands disposed of."

In light of the aforesaid order, in order to maintain parity, present petition also stands disposed of

Certified copy, as per Rules.

**(MISS VANDANA KASREKAR)
JUDGE**

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