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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK AGARWAL  
ON THE 30<sup>th</sup> OF NOVEMBER, 2022  
WRIT PETITION No. 27323 of 2022**

**BETWEEN:-**

**SUNIL SAXENA S/O SHRI VINAY KUMAR SAXENA, AGED  
ABOUT 45 YEARS, OCCUPATION: DOCTOR VIJAY SHREE  
CLINIC HIG 2 NEAR MALAIYA GARDEN RAJEEV  
NAGAR TILI WARD TEHSIL SAGAR DISTRICT SAGAR  
(MADHYA PRADESH)**

**.....PETITIONER**

**(BY MS.SHOBHANA SHARMA, ADVOCATE)**

**AND**

- 1. THE STATE OF MADHYA PRADESH THROUGH  
THE PRINCIPAL SECRETARY TOWN AND  
COUNTRY PLANNING MANTRALAYA VALLABH  
BHAWAN BHOPAL (MADHYA PRADESH)**
- 2. THE COLLECTOR SAGAR DISTRICT SAGAR  
(MADHYA PRADESH)**
- 3. THE CHIEF EXECUTIVE OFFICER SAGAR SMART  
CITY LIMITED SAGAR 2ND FLOOR, ICCB  
BUILDING NEW COLLECTORATE PREMISES,  
SAGAR (MADHYA PRADESH)**
- 4. THE SUPERINTENDENT OF POLICE SAGAR  
DISTRICT SAGAR (MADHYA PRADESH)**
- 5. THE COMMISSIONER MUNICIPAL CORPORATION  
SAGAR DISTRICT SAGAR (MADHYA PRADESH)**

**.....RESPONDENTS**

**(NONE)**

.....  
*This petition coming on for admission this day, the court passed the  
following:*

**ORDER**

The petitioner has filed this petition under Article 226 of the Constitution of India being aggrieved of order dated 11.11.2022 (Annexure P/5) passed by the respondent No.5 asking him to remove his construction otherwise the same shall be removed by the Authority.

Learned counsel for the petitioner submits that merely because the respondent/Corporation needs a land for road widening, it does not mean that the same can be acquired by the Authority without following the due procedure as required under the law. She submits that under the similar circumstances, this Court disposed of **W.P. No.18785/2020 (*Amit Sonkar versus The Municipal Corporation & Others*) vide order dated 09.12.2020** directing the respondent/Corporation to first determine the compensation of the land belonging to the petitioner, which is being acquired and then pass an appropriate order thereon. She further submits that till the final order is passed by the Authority and thereafter for a period of 15 days, the petitioner's possession from the land in question shall not be disturbed so that he may approach the competent forum to get his grievance resolved.

Considering the aforesaid and in order to maintain parity, this writ petition is **disposed of** directing respondent No.5 to first determine the compensation of the petitioner's land, which is being proposed to be acquired and then pass an appropriate order in that regard specifying the actual compensation, which is likely to be paid to the petitioner. The respondent No.5 is further directed that if any final order is passed against the petitioner then for a period of 15 days, his possession over the land in question shall not be disturbed so that against the said order, he may approach the appropriate forum, if he so desires. It is made clear that this Court has not expressed any opinion on the merits and it is for the competent authority to consider and decide the petitioner's claim in accordance

with law.

Certified copy as per rules.

**(VIVEK AGARWAL)**  
**JUDGE**

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