THE HIGH COURT OF MADHYA PRADESH

Writ Petition (Service) No. 523/2005

(Smt. Ganeshi Gupta and others Vs. The State of M.P. and others)

Jabalpur, Dated: 27.01.2020

Shri Sanjay Patel, Advocate for the petitioners.

Shri Manish Verma, Govt. Advocate for the respondents/State.

Heard.

Learned counsel for the petitioners has placed reliance on an order passed by this Court in **WP(Service) No.1849/2005 (Mukesh Kumar Khare and others vs. State of M.P.and others) decided on 18.06.2015** and submitted that present matter is squarely convered by the decision rendered in aforesaid writ petition.

The learned Govt. Advocate has fairly conceded to the same.

In this view of the matter, looking to the directions contained in WPS No.1849/2005, I find that the order passed by the Collector is contrary to law and is in violation of the rule of natural justice. Consequently, this petition is disposed of with the following directions :-

> " **The impugned orders passed by the Collector and Commissioner dated 27.02.2003 and 07.01.2005 respectively are hereby set aside. The matter is remitted back to the Collector, Tikamgarh to pass fresh order after giving opportunity of hearing to all the affected parties.**"

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Looking to the long pendency of the case, it is desirable that the Collector may decide the controversy preferably within a period of six months from the date of receipt of the certified copy of this order.

It is made clear that this Court has not opined about the merit of the matter.

Petition is disposed of as indicated above. No order as to costs.

C.c.as per rules.

(Nandita Dubey)
Judge

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