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

**BEFORE
HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA
ON THE 30th OF MARCH, 2022**

WRIT PETITION No. 7294 of 2022

Between:-

**SANJAY S/O RAMBAHADUR SHARMA, AGED
ABOUT 48 YEARS, OCCUPATION: BUSINESS
(SANCHI PARLOR) GANDHI NAGAR PASCHIM
LINE, MANAWAR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI LOKESH MEHTA, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH DISTRICT
COLLECTOR COLLECTOR OFFICE (MADHYA
PRADESH)**
- 2. SUB DIVISIONAL OFFICER TEH. MANAWAR
(MADHYA PRADESH)**
- 3. TEHSILDAR DHAR (MADHYA PRADESH)**
- 4. SANJAY JOHAR S/O LATE SHRI MANGILAL JOHAR
OCCUPATION: BUSINESS LOHARPATTI,
MANAWAR DHAR (MADHYA PRADESH)**

.....RESPONDENTS

**(BY MS. VINITA PHAYE, G.A. FOR RESPONDENT NO.1 TO 3 ON
ADVANCE COPY)**

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

ORDER

The present petition has been filed under Article 226 of the Constitution of India seeking quashment of the order dated 28/2/2022.

Counsel for petitioner submits that the respondents have initiated proceedings for removal of encroachment u/S.248 of MPLR Code, but without passing any final order they are taking action for removal of the shop of the petitioner.

Upon perusal of the record, it is evident that the Tehsildar, Manawar has initiated the proceedings u/S.248 of MPLR Code and has called a report from RI and thereafter the matter was fixed for 22/3/2022. The petitioner has not filed any

proceeding of the said date.

Counsel for State submits that the action for removal of encroachment shall be taken in accordance with law and after passing the order u/S.248 of MPLR Code.

In view of the aforesaid submission, the present petition is **disposed off** with a direction to the respondent No.3 to pass final order u/S.248 of MPLR Code and thereafter to proceed with the removal of encroachment in accordance with law. The Authority will not take any action for removal of encroachment without passing the order u/S.248 of MPLR Code.

(VIJAY KUMAR SHUKLA)
JUDGE

VM

