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

**BEFORE  
HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 27<sup>th</sup> OF MARCH, 2024**

**WRIT PETITION No. 8314 of 2024**

**BETWEEN:-**

1. SMT. RAJANI JAIN W/O SHRI PRADEEP JAIN,  
AGED ABOUT 58 YEARS, OCCUPATION:  
HOUSEWIFE R/O 260 MARWARI NAGAR INDORE  
(MADHYA PRADESH)
2. SMT. SHAKUNTALA GUPTA W/O SHRI ASHOK  
GUPTA, AGED ABOUT 53 YEARS, OCCUPATION:  
HOUSEWIFE R/O 262 MARWANI NAGAR INDORE  
(MADHYA PRADESH)
3. SMT. NANDA W/O SHRI SUNIL, AGED ABOUT 51  
YEARS, OCCUPATION: HOUSEWIFE R/O 262  
MARWARI NAGAR INDORE (MADHYA PRADESH)
4. ASHOK JAISWAL S/O SHRI RAMESHCHANDRA  
JAISWAL, AGED ABOUT 45 YEARS, OCCUPATION:  
BUSINESS R/O 215 MARWANI NAGAR INDORE  
(MADHYA PRADESH)
5. PUSHPENDRA CHABBRA S/O SHRI PRAKASH  
CHABBRA, AGED ABOUT 51 YEARS, OCCUPATION:  
BUSINESS R/O 224 MARWARI NAGAR INDORE  
(MADHYA PRADESH)

**.....PETITIONERS**

**(SHRI RISHI TIWARI - ADVOCATE FOR THE PETITIONER )  
)**

**AND**

1. INDORE MUNICIPAL CORPORATION  
COMMISSIONER INDORE MUNICIPAL  
CORPORATION INDORE (MADHYA PRADESH)
2. COMMISSIONER INDORE MUNICIPAL  
CORPORATION INDORE (MADHYA PRADESH)
3. BUILDING OFFICER ZONE NO 16 INDORE

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**MUNICIPAL CORPORATION INDORE (MADHYA  
PRADESH)**

**4. BUILDING INSPECTOR ZONE NO. 16 INDORE  
MUNICIPAL CORPORATION INDORE (MADHYA  
PRADESH)**

**.....RESPONDENTS**

.....

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

**ORDER**

Heard.

By this petition preferred under Article 226 of the Constitution of India, the petitioners have prayed for the following reliefs:-

- "a) Issue an appropriate writ, order or direction to restrain the respondents from further demolishing the houses of the petitioners.
- b ) Issue an appropriate writ, order or direction to the respondents to not take any action against the construction of the petitioners without granting opportunity of hearing and passing a speaking order.
- c) Issue an appropriate writ, order or direction to constitute a n independent committee to enquire into the illegal demolition carried out by the respondents.
- d) Issue an appropriate writ, order or direction to punish the concerned officials of the respondent Corporation.
- e) Any other relief which this Hon'ble Court deems fit may kindly be granted."

Learned counsel for the petitioners submits that without issuance of any notice to the petitioners, without affording any opportunity of hearing and in violation of principles of natural justice, the respondents have demolished a part of the property of the petitioners and intend to demolish the same completely. It is submitted that the respondents ought to follow the due process of law before

proceeding against the petitioners. It is also pointed out that the petitioners have already made an application Annexure P-5 to the respondents for examination of their title documents, building permission etc., but the same is not being considered by the respondents.

In the available facts of the case, it is directed that in case the petitioners make a fresh application along with all requisite documents before the respondents within a period of ten days from today, then the respondents shall afford due opportunity of hearing to the petitioners and after examining their application and the documents annexed therewith shall proceed to pass a reasoned and a speaking order in the matter and shall thereafter only proceed against the petitioners.

In case, the final decision is against the petitioners then the same shall be kept in abeyance for a period of 10 days for enabling the petitioners to take recourse as may be available to them under the law.

With the aforesaid, without expressing any opinion on the merits of the case, the petition stands **disposed of**.

(PRANAY VERMA)  
V. JUDGE