

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal(Civil)...(CC.3988/2005)

(From the judgement and order dated 23/03/2005 in WP 2054/01  
of The HIGH COURT OF M.P. BENCH AT GWALIOR)

MUKESH SINGH KUSHWAH & ORS.

Petitioner (s)

VERSUS

STATE OF M.P. & ORS.

Respondent (s)

( Appln(s). for permission to file SLP )

Date : 01/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. V.A. Mohta, Sr. Adv.  
Ms. Anuradha Rustagi, Adv.  
Mr. B.D. Jain, adv.

Mr. S.V. Deshpande,Adv.

For Respondent (s)

UPON being mentioned by the counsel the Court made the following  
O R D E R

Taken on Board.

Permission to file SLP granted.

Issue notice to the respondents.

Heard on the question of the grant of interim relief.

The learned counsel for the petitioners submits that the writ petition filed in public interest by an Advocate had sought for a limited relief, i.e., the removal of encroachments from roads and public property. It appears that during the course of hearing the scope of hearing has been broadened and the High Court has entered into an inquiry in to (i) buildings occupied without occupation certificates; (ii) buildings constructed contrary to sanction plans and (iii) buildings being subjected to misuser.

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- 2 -

It is submitted that on all these aspects no fullfledged hearing has taken place and the authorities have commenced indiscriminate demolitions under the orders of the High Court.

Until further orders it is directed that the operation of the last para of the impugned order dated 23.3.2005, which is to the following effect,

"Shri Goyal states that the businessman may be permitted to negotiate with the officers of Municipal Corporation. They are at liberty to do so. However, it will be examined that if the buildings are not constructed as per sanctioned plan and if under the plan space is earmarked for parking then Municipal Corporation shall ensure that parking is made available to the public so that there is no vehicular congestion on the road and the public has free access on the road."

shall remain stayed.

However, it is clarified that removal of encroachments on public parking space which are part of the road or public property is not stayed.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master