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WA-3333-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

&

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 20th OF NOVEMBER, 2025

WRIT APPEAL No. 3333 of 2025

*INDORE CHRISTIAN COLLEGE INDORE THROUGH IS SECRETARY
AND PRINCIPAL DR. AMIT DAVID*

Versus

STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Ajay Bagadia, learned Senior Counsel with Shri Vaibhav
Bhagwat, counsel for the petitioner .

Shri Vishwajit Joshi, learned AAG for respondent/State.
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ORDER

Per. Justice Vijay Kumar Shukla

The present intra court appeal is filed being aggrieved by the order dated 12.11.2025 passed by the learned Single Judge in Writ Petition No. 43670/2025 whereby the writ petition filed by petitioner has been disposed off.

The appellant/writ petitioner has challenged the notice dated 24.10.2025 (Annx.P/1) issued by the collector, Indore (respondent No.2 herein).

Learned Single Judge disposed off the petition without entertaining the same on merit observing that the petitioner may appear before the Collector



and file reply so that proper and effective adjudication in the matter can be made.

Learned Senior Counsel for appellant vehemently argued that the order passed by the authority is mere an eyewash and infact the authority has already taken a decision that the land belongs to the Government. He further argued that show-cause notice does not reflect that under what provision of law the same has been issued.

Learned counsel for respondent supported the order passed by learned Single Judge and submitted that impugned letter dated 24.10.2025 is not an order adjudicating the matter but is only a show-cause notice. He further informed that next date for hearing on show-cause notice is fixed today.

After hearing learned counsel for the parties and on perusal of the impugned letter, we find that impugned letter is nothing but a show-cause notice and therefore, the petitioner has been directed to appear before the authority. Therefore, learned Single Judge has rightly declined to interfere with the impugned letter and granted liberty to the petitioner to file a reply which has been directed to be considered by the competent authority.

The law with regard to maintainability of the writ petition under Article 226 of the Constitution of India against a show-cause notice is no longer res integra. In the case of **Special Director and another Vs. Mohd. Ghulam Ghouse, (2004) 3 SCC 440**, it has been held that against a show-cause notice, the High Court can interfere under Article 226 of the Constitution of India when the Court is satisfied of the nullity of show-cause notice for want of jurisdiction of the authority concerned to investigate the



facts. In the present case, we find that said notice has been issued under section 182(2) of the M.P.Land Revenue Code by the competent authority, therefore in the light of the judgment passed by the Apex Court in the aforesaid case, we are of the view that learned Single Judge has rightly declined to entertain the petition. It is directed that the authority shall fix a date after 7 days from today and the petitioner shall be given liberty to file reply to the said notice and competent authority shall pass a reasoned and speaking order after considering reply of the petitioner in accordance with law.

With the aforesaid, Writ Appeal is disposed off.

(VIJAY KUMAR SHUKLA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

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