

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 31352 of 2026

(SAJID MOHAMMAD AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 01-08-2026

Ms. Sonali Shrivastava and Shri Mrityunjay Mishra appeared for petitioners.

Shri Suyash Mohan Guru DSG along With Shri Dev Sharma advocate for respondent No.2 & 3 and Shri Prabhanshu Shukla G.A. for the State.

It is contended by the counsel that the respondents have issued a notice contained in Annexure P/5 and by the issuance of the said notice, the police authorities have been approached by the Municipal Corporation in order to demolish the alleged unauthorized construction. It is contended by the counsel that the proposed action goes contrary to the law laid down by the Apex Court in reference: **Directions in the matter of demolition of structures** reported in (2025) 5 SCC 1 . It is contended by the counsel that no notice whatsoever of demolition has been issued to the present petitioner and by Annexure P/5, the police force has been requisitioned. Hence, submits that interim protection be granted.

Counsel for respondent Nos.2 & 3 submits that it is a case where the petitioner was issued a notice vide Annexure P/5 and he submitted his reply; thereafter, a well reasoned order was passed on 22/04/2026, which is contained in Annexure P/4. The said order is a speaking order and has not been assailed by the present petitioner at any point of time, even in the present petition. As per the said order, it was found that the petitioner has

raised the construction in excess of the permission granted to the petitioner and accordingly, the petitioner was called upon to restore the original position of the building. However, no action was taken by the present petitioner. Therefore, in implementation of the aforesaid order, the Municipal Corporation has made a request to the police authority to provide proper police force.

It is further contended by the counsel for respondent Nos.2 & 3 that in the case of Loganathan Vs. The State of Tamil Nadu and Ors. in SLP (Civil) NO.8044-8045 of 2025, an interlocutory order has been passed; therefore, the Municipal Corporation is required to file an affidavit bringing to the notice of the Apex Court their action pertaining to the illegal constructions/encroachments, and the affidavits are to be filed on or before 4th of August 2026.

Considering the submissions advanced on behalf of the parties, it is undisputed that in the present petition there is no assail to the order contained in Annexure P/4 dated 22/04/2026 nor challenge to the communication contained in Annexure P/5. The prayer clause is conspicuously silent as regards the aforesaid aspect.

As, undisputedly, the order contained in Annexure P/4 dated 22/04/2026 has not been assailed before any of the authority, the Municipal Corporation, Bhopal, is free to seize the property in terms of the operative paragraph of the order. However, the Municipal Corporation, before taking any action, shall ensure adherence to the statutory provisions as well as guidelines as laid down by the Apex Court in the case of **Loganathan Vs.**

The State of Tamil Nadu and Ors. in SLP (Civil) NO.8044-8045 of 2025 dated 20/05/2026 and in the case of Rajendra Kumar Barjatya and Anr. Vs. U.P. Avas Evam Vikas Parishad and Ors. reported in 2024 SCC OnLine SC 3767.

The respondents are also required to ensure adherence to the guidelines laid down by the Apex Court in the case of Rajendra Kumar Barjatya (Supra) as well as the directions contained in paragraph 6 (iii) of the order passed in Loganathan (Supra).

Petitioner is free to move an application for amendment of the petition.

Counsel for respondent Nos.2 & 3 prays for time to seek instructions in the matter and file response by the next date of hearing.

List on 07/08/2026.

C.c. today.

(MANINDER S. BHATTI)
JUDGE