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WP-45707-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 20th OF NOVEMBER, 2025

WRIT PETITION No. 45707 of 2025

ABDUL MAJID

Versus

UNION OF INDIA AND OTHERS

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Appearance:

Shri Ajay Bagadia, Senior Advocate with Shri Rizwan Khan,
Advocate for the petitioner.

Shri Ashutosh Nimgaonkar - Advocate appeared for respondents.
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ORDER

By this petition preferred under Article 226 of the Constitution of India, the petitioner has challenged the notice dated 19.11.2025 (Annexure P/1) issued by respondents, whereby he has been directed to remove his illegal encroachment.

02. Learned counsel for the petitioner submits that the impugned notice has been issued without affording any opportunity of hearing to the petitioner and straightaway the order of removal has been passed. It is submitted that the petitioner deserves to be afforded an opportunity of hearing.

03. Learned counsel for the respondents has submitted that notices have been issued to the petitioner earlier also but he has not filed any reply to the same hence is now not entitled for grant of any time to file reply.



04. From a perusal of the impugned notice, it appears that though earlier notices were issued to the petitioner but they were in the year 1996/1997 i.e. almost 30 years ago and thereafter now the impugned notice has been issued. If any action was to be taken against the petitioner after a period of almost 30 years from the date of issuance of previous notice, he ought to have been afforded an opportunity of hearing.

05. Thus, in the available facts of the case, it is directed that the petitioner should file his reply along with all relevant documents before the respondents/competent authority within a period of 15 days from today. Thereafter, the petitioner shall be afforded due opportunity of hearing and thereafter a reasoned and speaking order in the matter shall be passed. Till the said exercise is completed and for a period of ten days thereafter in case the order is against the petitioner, no coercive action shall be taken against him.

06. With the aforesaid, without expressing any opinion on merits, petition stands disposed off.

(PRANAY VERMA)
JUDGE

Shilpa