

NEUTRAL CITATION NO. 2026:MPHC-IND:15157



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W.P. No. 3547/2020

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No.3547 of 2020

SMT. MANJU CHAWLA AND OTHERS

Versus

***INDORE MUNICIPAL CORPORATION, INDORE AND
ANOTEHR***

Appearance:

***Shri Vishal Baheti – Senior Advocate with Shri Satyajeet
Mane – Advocate for the petitioners.***

Shri Shreyraj Saxena –Advocate for the respondents/IMC.

Reserved on : 14/05/2026

Post on : 03/06/2026

ORDER

This Writ Petition under Article 226 of the Constitution of India has been instituted by the petitioners to invoke the



extraordinary writ jurisdiction of this Court, challenging the arbitrary and discriminatory actions of the respondent authorities.

2. The petitioners specifically pray for the issuance of a writ in the nature of certiorari to quash the impugned notice for demolition dated 04.02.2020 (Annexure P/1) and the preceding order dated 09.05.2019 (Annexure P/2). By way of the impugned orders, the respondents have unilaterally revoked the building permission previously granted to the petitioners and have threatened to demolish their building situated at Block No.15/1, 32, Chain Singh Ka Bagicha, Indore.

Facts of the Case

3. The petitioners are the absolute and lawful owners of the house situated at Block No.15/1, 32, Chain Singh Ka Bagicha, Indore. The subject property was purchased in two parts by Petitioner No.1 and her late husband, Late Laxmanji Chawla, vide registered sale deeds dated 02.04.1998 and 14.05.1998 (Annexure P/3 collectively). Following the demise of Late Laxmanji Chawla, the property was duly mutated in the names of the present petitioners.

4. In July 2017, the petitioners submitted a formal application before the respondents for the grant of building permission.



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Proceeding upon the said application, the building officer published a general notice in a daily newspaper on 05.07.2017 (Annexure P/4), inviting objections from the public.

5. After conducting the necessary inquiry and satisfying itself of the compliances, the competent authority approved the layout and granted the building permission to the petitioners on 27.07.2017 (Annexure P/5), along with the sanctioned layout plan (Annexure P/6). Acting on this lawful sanction, the petitioners commenced and substantially completed the construction of three stories.

6. Abruptly, on 28.02.2019, a show-cause notice (Annexure P/7) was issued to the petitioners alleging that while the map depicted an 18-meter wide road in front of the building, the proposed master plan prescribed a 30-meter road, and thus sought a response as to why the permission should not be revoked.

7. The petitioners submitted a detailed reply on 15.03.2019 (Annexure P/8), explaining that the building inspector himself had verified and submitted the data form showing the 18-meter road, and that adjacent buildings maintained the identical building line.

8. Ignoring the said reply, the respondents issued the order dated 09.05.2019 (Annexure P/2), illegally revoking the building permission. Subsequently, a notice under Section 307 of the



Municipal Corporation Act, 1956 was issued on 11.09.2019 (Annexure P/11), culminating in the final impugned demolition notice dated 04.02.2020 (Annexure P/1).

Contentions of the Petitioners

9. The learned counsel for the petitioners submitted that the building permission was validly granted under Rule 27 of the Madhya Pradesh Bhumi Vikas Rules, 2012, after due verification by the building officer. The petitioners have completed the structural framework strictly in accordance with the sanctioned plan, with only finishing works like plastering and glass elevation remaining.

10. It is vehemently argued that the respondents lacked the jurisdiction to revoke the permission under Rule 25 of the Rules, 2012. The said Rule can only be invoked in cases of false statements or misrepresentation. Since the building inspector verified the 18-meter road width on the data form prior to sanction, there was no concealment or suppression of material facts by the petitioners.

11. To buttress this submission, the petitioners relied upon the decision of this Court in the case of **Dharmendra and Ors. Vs. Indore Municipal Corporation and Ors. (W.P. No. 557 of 1998,**



decided on 30.07.1998, reported in 1999 (1) JIJ 119), and M/S S.R.J Betterbuild Pvt. Ltd. Vs. State of Madhya Pradesh and Others (Writ Petition No. 22077 of 2022), wherein it was held that Rule 25 applies strictly only where material facts have been explicitly suppressed or misrepresented by the applicant.

12. The petitioners further contend that the impugned action suffers from hostile discrimination, violating Article 14 and the right to property under Article 300-A of the Constitution. Similar situated persons on the same road, namely House No.13/1, House No.6/1, and Block No.31, were granted building permissions acknowledging the 18-meter road width, and their structures remain fully protected.

13. Lastly, it is submitted that once construction has commenced, the Commissioner has no power to cancel the permission under Section 299 of the M.P. Municipal Corporation Act, 1956. Such powers, if contrary to the scheme, rest solely with the State Government under Section 299-A. Reliance in this regard is placed upon the Division Bench judgment in **Nagar Palika Nigam, Gwalior Vs. Gopal Krishna, 2006 (2) M.P.L.J. 51.**

**Contentions of the Respondents**

14. *Per contra*, the respondents strongly opposed the petition, contending that the layout plan submitted by the petitioners falsely depicted the road width as 18 meters. The show-cause notice dated 28.02.2019 explicitly recorded:

"उपरोक्त विषयान्तर्गत आपको सूचित किया जाता है कि भूखण्ड नम्बर 15/1 ब्लाक नम्बर 32 पर आपके आवेदन पत्र क्रमांक IMC/0825/Z09/W47/2017 अनुसार सदर स्थल पर मध्यप्रदेश भूमि विकास नियम 17 के अधीन जी +3 भवन निर्माण की अनुमति दी गयी थी। आपके द्वारा उक्त भूखण्ड सामने सड़क 18 मीटर मानचित्र में अंकित कर स्वीकृति प्राप्त की गयी है। जबकि मौके पर मास्टर प्लान 2021 अनुसार 30 मीटर रोड प्रस्तावित है। उपरोक्त शर्तों का उल्लंघन आवेदन में दिखाये गये तथ्यों के गलत पाये जाने पर यह अनुज्ञा क्यों न रिवोक की जावे। तथा म.प्र. भूमि विकास नियम क्रमांक 24 के अनुसार आवश्यकता किसी भी प्रकार के संशोधन / आंतरिक परिवर्तन/परिवर्धन करने हेतु पुनः निगम से स्वीकृति प्राप्त करे। अतः मौके पर तत्काल चल रहे निर्माण को बंद करके पत्र प्राप्ति के दो दिवस में अधोहस्ताक्षरकर्ता के कक्ष में मय स्वीकृत मानचित्र एवं मालकी दस्तावेज के साथ उपस्थित होकर कारण बताओं आपके द्वारा नियमों का उल्लंघन करने पर क्यों न आपके विरुद्ध वैधानिक कार्यवाही की जावे।"

15. It is submitted that under Rule 31 of the M.P. Bhumi Vikas Niyam, 2012, the absolute responsibility to furnish true and correct information lies with the applicant and their architect. The building permission dated 27.07.2017 clearly stipulated this condition, holding the applicant solely responsible for the legality of the documents and affidavits submitted.

16. The respondents justified the revocation order dated 09.05.2019, relying on its categorical finding which reads:



"अतः उक्त से स्पष्ट है कि आपके द्वारा ऑनलाईन प्रस्तुत आवेदन में अनुबंधित वास्तुविद/इंजिनियर एवं आपके द्वारा प्रस्तुत आवेदनों एवं संलग्न शपथ-पत्रों में भूमि विकास नियम, 2012 एवं नगर विकास योजना 2012 (2021) के समस्त नियमों / प्रावधानों का पालन करने का उल्लेख एवं शपथ लेने के उपरांत भी सारभूत एवं महत्वपूर्ण तथ्यों को छुपा कर मिथ्या प्रस्तुतिकरण कर भवन अनुज्ञा प्राप्त की गई है। जिसे म.प्र. भूमि विकास नियम, 2012 के नियम 25 के अंतर्गत प्रतिसंहित किया जाता है तथा निर्देशित किया जाता है कि आप इंदौर विकास योजना 2021 के प्रावधान अनुसार पुनरीक्षित आवेदन प्रस्तुत कर नवीन संशोधित भवन अनुज्ञा प्राप्त करें।"

17. The respondents further submit that as per Entry No. 8 of Chapter-3 in Table 3.6 (Page No. 76) of the Indore Master Plan 2021, the width of Race Course Road (Yeshwant Niwas Road to Industry House) is designated as 30 meters. Consequently, the claim of an 18-meter road is legally untenable against the statutory Master Plan.

18. Refuting the ground of discrimination, the respondents contend that the petitioners cannot claim negative equality based on inadvertent permissions granted to others in the past. To establish that negative equality is impermissible in law, they rely upon the judgments of the Hon'ble Supreme Court in **Vishal Properties Pvt. Ltd. vs. State of U.P., (2007) 11 SCC 172**, and **Doiwala Sahkari Shram Samvida Samiti Ltd. vs. State of Uttarakhand, (2007) 11 SCC 641**.



19. The respondents further pressed upon the judgments in **Ramesh Chandra Katariya and Others Versus Indore Municipal Corporation and Others (Writ Petition No. 19848 of 2025)** and **Naveen Solanki and Another Versus Rail Land Development Authority and Others (2026 SCC OnLine SC 452)** to defend their statutory right to revoke permissions and enforce the 30-meter road mandate.

Analysis and Conclusion

20. Having heard the rival contentions and perused the extensive record, this Court must examine the legality of the revocation and demolition notices strictly within the parameters of judicial review under Article 226 of the Constitution, specifically testing for arbitrariness, statutory compliance, and adherence to the principles of natural justice.

21. A chronological analysis reveals a glaring and unexplained slumber on the part of the Municipal Corporation. The building permission was comprehensively processed, subjected to public objections, and formally granted on 27.07.2017. The respondent authorities remained silent for nearly two years while the petitioners constructed three stories, only to abruptly issue a show-cause notice in February 2019.



22. The core of the respondents' action lies in Rule 25 of the M.P. Bhumi Vikas Rules, 2012, which strictly requires "reasons to believe that such permission has been obtained on the basis of a false statement or any misrepresentation of any material fact." The record before this Court completely fails to establish any such fraud or active misrepresentation by the petitioners.

23. It is an admitted position on record that the data form detailing the site conditions was physically verified and processed by the building inspector of the Corporation. When the statutory authority's own inspector physically verifies the existing 18-meter road and forwards the file for sanction, the subsequent approval cannot be branded as a product of the applicant's deceit or misrepresentation.

24. Furthermore, while the respondents attempt to shift the entire burden onto the petitioners, they remain conspicuously silent regarding their own erring officials. If it is indeed the case of the Corporation that the signature of the Building Inspector on the data form was forged, or that the verification was recorded under undue political or extraneous influence, there is absolutely no reply or pleading on record to indicate what disciplinary or legal action has been taken against such officer. This unexplained silence further weakens the defense of the respondents.



25. Regarding the conflict between the 30-meter Master Plan requirement and the 18-meter layout, the documents annexed (Annexure P/18 to P/21) reflect that the petitioners' property is situated within a specific approved block layout of the erstwhile Indore Improvement Trust (Palasia Scheme II-C, Chain Singh Ka Bagicha). Within this specific inner layout, the functional road width is recognized as 60 feet (18 meters), distinct from the arterial 30-meter Race Course Road.

26. This factual matrix leads directly to the issue of hostile discrimination. The petitioners have conclusively demonstrated that adjacent properties in the same block (House No. 13/1, House No. 6/1, and Block No. 31) were granted valid building permissions under the 2021 Master Plan regime, explicitly leaving an 18-meter road in front. The respondents have not revoked those permissions nor initiated demolition against those structures.

27. At this juncture, it is imperative to distinguish the case laws heavily relied upon by the respondents. The respondents cited **Vishal Properties Pvt. Ltd. vs. State of U.P.(Supra)** and **Doiwala Sahkari Shram Samvida Samiti Ltd. vs. State of Uttarakhand (Supra)** to argue that the petitioners cannot claim "negative equality." The doctrine of negative equality applies only when a



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party seeks the perpetuation of an illegality or a wrong previously committed in favor of another.

28. However, in the present case, the permissions granted to the adjacent property owners (13/1, 6/1) were not "inadvertent mistakes" or illegalities. They were conscious administrative decisions based on the approved internal block layout plan of Chain Singh Ka Bagicha, which prescribes an 18-meter road. Therefore, the petitioners are claiming positive equality under Article 14, seeking identical treatment under a valid, existing local layout, making the ratio of **Vishal Properties Pvt. Ltd. vs. State of U.P.(Supra)** and **Doiwala Sahkari Shram Samvida Samiti Ltd. vs. State of Uttarakhand (Supra)** entirely inapplicable to the facts at hand.

29. Furthermore, the decisions in **Naveen Solanki (Supra) and Ramesh Chandra Katariya (Supra)** cited by the respondents do not rescue their case. Those matters dealt with absolute encroachments or undisputed statutory violations where no vested rights had crystallized through lawful municipal verification. In the present matter, the Corporation's own functionaries verified the site and sanctioned the map, thus those precedents are factually distinguishable and offer no aid to the respondents.



30. Once it is established that there was no active concealment or false statement by the applicant, the rigorous, punitive powers of revocation under Rule 25 of the Rules, 2012 cannot be invoked as an afterthought to correct the Corporation's own delayed realizations.

31. The unilateral revocation of a validly granted permission, especially after the citizen has substantially altered their position and expended massive capital on construction, without any proof of fraud, is highly arbitrary, unreasonable, and violative of the right to hold property under Article 300-A of the Constitution of India.

32. In view of the aforesaid comprehensive analysis, the impugned actions of the respondents cannot stand the test of legal scrutiny.

33. Consequently, the writ petition is **allowed**. The impugned revocation order dated 09.05.2019 (Annexure P/2) and the subsequent demolition notices dated 11.09.2019 and 04.02.2020 (Annexure P/1) are hereby **quashed** and **set-aside**. The building permission granted to the petitioners on 27.07.2017 stands restored. The respondents are restrained from undertaking any demolition or coercive action against the subject property on the basis of the quashed orders.



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34. However, before parting with this order, it is clarified that the respondent Municipal Corporation, being a statutory authority, is not precluded from exercising its lawful powers and taking appropriate action in the future, if so necessitated. Nevertheless, any such future action must strictly ensure parity with similarly situated property owners within the same layout and must be driven bona fide by the larger public interest, strictly in accordance with the law, without subjecting the petitioners to any hostile discrimination. There shall be no order as to costs.

(Jai Kumar Pillai)
Judge

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