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MCRC-14795-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 8th OF JULY, 2026

MISC. CRIMINAL CASE No. 14969 of 2026

DINESH KUMAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Shivnarayan Verma - Advocate for the petitioner.

Shri Guru Prasanna Singh Parihar - Advocate for respondent No. 1.

Shri Kunal Thakre - Advocate for respondent No.2
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WITH

MISC. CRIMINAL CASE No. 13911 of 2026

RUPESH SONI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Dharmendra Soni - Advocate for the petitioner.

Shri Guru Prasanna Parihar with Shri Devendra Shukla - Advocate for respondent No. 1.

Shri Kunal Thakre - Advocate for respondent No.2.
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MISC. CRIMINAL CASE No. 14795 of 2026

DESH BHUSHAN JAIN

Versus

MUNICIPAL CORPORATION, SAGAR AND OTHERS

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Appearance:

Shri Arvind Soni - Advocate for the petitioner.

Shri Guru Prasanna Singh Parihar - Advocate for respondent No. 1.

Shri Kunal Thakre - Advocate for respondent No.2.



Shri Devendra Shukla - P.L. for the respondent no.3/State.

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ORDER

Since all the three petitions arise out of the same proceedings initiated under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the order dated 14.03.2026 passed by the learned 7th Additional Sessions Judge, Sagar in Criminal Revision Nos.17/2026, 19/2026 and 20/2026 affirming the order dated 16.01.2026 passed by the learned City Magistrate, Sagar in Case No.02/Criminal/Section 152 BNSS/2025, involve identical questions of fact and law and are founded upon substantially similar grounds, they were heard analogously and are being decided by this common order. For the sake of convenience, the facts are being referred to from M.Cr.C. No.14969/2026.

2. The petitioners have invoked the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashment of the revisional order dated 14.03.2026 as well as the order dated 16.01.2026 passed by the learned City Magistrate under Section 152 BNSS directing vacation of premises bearing House No.325/263/1 situated at Loharwali Gali, Bariyaghat, Sagar, on the ground that the structure was found to be dilapidated, dangerous and likely to cause public nuisance and danger to life. The petitioners claim to be occupants/tenants of different portions of the said premises. It is their case that the proceedings under Section 152 BNSS were initiated at the instance of Shri Digambar Jain Sagroday Teerth Trust in collusion with the Municipal Corporation with the sole object of evicting the petitioners from the premises under the guise of



public safety. It has also been pleaded that this Court, while disposing of W.P. No.1223/2026, had relegated the parties to avail the revisional remedy and granted interim protection, but the revisional Court failed to appreciate the grounds raised and mechanically affirmed the order of the City Magistrate without independently examining the legality of the proceedings.

3. Learned counsels for the petitioners submitted that the impugned orders are arbitrary, illegal and have been passed in violation of Section 152 BNSS and the principles of natural justice. It was contended that the proceedings were initiated without proper notice or opportunity of hearing and that the petitioners, being lawful occupants/tenants, were sought to be evicted under the guise of proceedings for removal of public nuisance. According to the petitioners, the respondent Trust, in collusion with the Municipal Corporation, invoked Section 152 BNSS only to settle a civil dispute relating to title and tenancy, which is impermissible in law. In support of their arguments they have placed reliance upon the judgements delivered in the case of *Wahid Khan Vs. State of M.P. & Others* (W.P.No.42088/2025), *Girja Shankar Pyasi Vs. Arunendra Pyasi & Another*, (M.Cr.C.No.9362/2013), *Smt. Chandrawati Devi & Others Vs. State of M.P. and Others*, *Rajesh Kumar Gupta Vs. State of M.P. and Others* *Rakesh Sahu and Another Vs. State of M.P. and Others*, *Smt. Injana Aaswani & Others Vs. State of M.P. and Others*, judgement delivered by the Allahabad High Court in the case of *Ram Kishore and Others Vs. Additional Sessions Judge, Barbanki*, *Vasant Nikumba & Others Vs. Baburao Bhikanna Naidu*, reported in 1995 Supp (4) SCC 54 and *Suhel Khan Khudyar Khan Vs. State of*



Maharashtra, reported in (2009) 5 SCC 586.

4. It was further argued that the reports of the Structural Engineer, the Municipal Corporation, the PWD and the Tehsildar were prepared unilaterally without associating the petitioners and cannot be treated as conclusive proof that the building is dangerous. The learned City Magistrate and the Revisional Court, it was submitted, mechanically relied upon these reports without properly considering the petitioners' objections, photographs and the pendency of civil proceedings. It was therefore prayed that the impugned orders dated 16.01.2026 and 14.03.2026(of all three cases) be quashed in exercise of powers under Section 528 BNSS.

5. *Per contra*, learned counsel appearing for the Municipal Corporation as well as the State opposed the petitions and submitted that the proceedings were initiated not for resolving any civil dispute but solely to avert imminent danger to human life. It is submitted that the Deputy Commissioner, Municipal Corporation, after inspection, found the building to be more than 100 years old, structurally unsafe and liable to collapse at any time. Notices under Sections 309 and 310 of the Madhya Pradesh Municipal Corporation Act, 1956 were issued to the Trust, but no remedial measures were taken. Consequently, proceedings under Section 152 BNSS were initiated before the City Magistrate. It is argued that reports of the Structural Engineer, the Sub-Divisional Officer of the Public Works Department, the Tehsildar and the Municipal Corporation uniformly recorded that the structure was in an extremely dilapidated condition and unfit for human habitation. During the proceedings, evidence was recorded,



inspection reports and photographs were exhibited, and the City Magistrate, after considering the material available on record, rightly concluded that continuance of occupation posed serious danger to the occupants as well as the general public using the adjoining public road. Learned counsel further submitted that the revisional Court independently examined the record and rightly affirmed the findings. Reliance has also been placed upon the provisions of Section 310 of the Madhya Pradesh Municipal Corporation Act, 1956. It is contended that the proceedings neither determine title nor tenancy rights, which remain open to be adjudicated before the competent civil forum, and therefore no interference is called for in exercise of inherent jurisdiction.

6. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the jurisdiction exercised by the City Magistrate under Section 152 BNSS is preventive in nature and is intended to remove imminent danger and public nuisance. The material considered by the authorities includes reports of the Structural Engineer, the Public Works Department, the Tehsildar and the Municipal Corporation, all consistently opining that the building is more than a century old, structurally weak, unsafe for habitation and likely to collapse, thereby endangering not only its occupants but also the general public, as the building abuts a busy public road. The learned City Magistrate has recorded detailed findings on the basis of such material and the revisional Court has independently reappreciated the same and affirmed those findings.

7. The principal contention of the petitioners that the proceedings are



intended to facilitate their eviction on account of an existing civil dispute cannot be accepted. The existence of civil litigation regarding title or tenancy by itself does not denude the competent authority of its statutory power to take preventive measures where a structure is found to be dangerous and poses a threat to public safety. The impugned proceedings do not adjudicate ownership or tenancy rights and are confined to the limited object of preventing public nuisance and safeguarding human life.

8. The plea regarding violation of principles of natural justice also does not merit acceptance. The record demonstrates that after the preliminary order, objections were filed, the petitioners approached this Court in writ proceedings, thereafter availed the statutory revisional remedy pursuant to the liberty granted by this Court, and the revisional Court considered their submissions before affirming the order. Merely because the petitioners dispute the correctness of the expert reports would not justify exercise of inherent jurisdiction under Section 528 BNSS, particularly when concurrent findings of fact have been recorded by the competent authorities on the basis of technical evidence.

9. The scope of interference under Section 528 BNSS is limited. Unless the impugned orders disclose patent illegality, perversity, jurisdictional error or abuse of the process of law, this Court would not substitute its own satisfaction for that of the statutory authorities. In the present case, no such infirmity is demonstrated. On the contrary, the impugned orders are supported by contemporaneous inspection reports, expert opinions and the statutory scheme governing removal of dangerous



structures.

10. Accordingly, this Court finds no ground warranting interference with the order dated 16.01.2026 passed by the learned City Magistrate, Sagar or the revisional orders dated 14.03.2026(of all three revisions) passed by the learned 7th Additional Sessions Judge, Sagar.

11. Consequently, M.Cr.C. Nos.14969/2026, 13911/2026 and 14795/2026 are **dismissed**. Any interim order operating in these matters stands vacated.

(HIMANSHU JOSHI)
JUDGE

Jasleen