IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ALPESH Y. KOGJE,

CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 29th OF OCTOBER, 2026

WRIT PETITION No. 1563 of 2018

CNR No.: MPHC010033062018

SHRAVAN KUMAR SONI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Anupam Chaturvedi - Advocate for the petitioner with Shri Priyank Shandilya - Advocate for petitioner through VC.

Shri Nilesh Yadav - Addl. Advocate General with Shri Gajendra Tamrakar - P.L. for State.

Shri Suyash Mohan Guru - Advocate for respondent No.6.

Shri Himanshu Mishra - Advocate for respondent No.7.

ORDER

Per. Hon'ble Shri Justice Alpesh Y. Kogje, Chief Justice

The petitioner has prayed for following relief in this petition:-

> *(i) To direct the Archaeological Survey of India to declare the monument in question as ancient monument under the 1958 Act and take its possession.*
> *(ii) Direct the respondents State Authorities to immediately remove the encroachment over the monument site in terms of the decree of the Civil Court and also under the mandate of the State Act of 1964 and the Rules framed thereunder.*
> *(iii) The encroachers of the monument in question be*

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dealt with in accordance with law for their illegal activity and encroachment and punished as per the provisions of the 1964 Act and the Rules framed thereunder.

(iv) Any other relief this Hon'ble Court deems fit/proper, may also be granted to the petitioner with costs.

2. Essentially objecting to the unbridled encroachment around the monument which according to the petitioner has been declared as protected under *the M.P. Ancient Monuments and Archaeological Sites and Remains Act, 1964*. According to the petitioner, once the monument is declared as such under the aforesaid Act, there is a regulation on the construction activity within the periphery of such monument. The petitioner has submitted that the ancient monument of *Shri Vishnu Barah Mandir* situated at Majhauli, District Jabalpur though under the Act, no care is being taken by the Authorities.

3. The another prayer made by the petitioner is seeking a direction to the Archeological Survey of India to declare the monument as protected under *the Ancient Monument and Archaeological Sites and Remains Act, 1958* (hereinafter referred to as "the Act of 1958").

4. The Court has taken into consideration the reply filed by the respondent authorities, which indicates that the alleged encroachers were before the Civil Court to protect their possession which has now ultimately been decided by the Civil Court and after the orders passed by the Civil Court, the steps have been initiated.

5. Learned counsel for the petitioner has referred to the notices issued by invoking the provisions of the M.P. Land Revenue Code and the due process which has already commenced which included the issuance of

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notice and calling upon the so-called encroachers to remain present before the Authority on 05.10.2026. In the opinion of the Court sofar as the grievance of encroachment is concerned, the Authorities have already initiated the appropriate action in accordance with law, therefore, the cause appears to have been addressed in accordance with law.

6. However, considering the submissions made by learned counsel for the petitioner for a time bound programme by which the eviction proceedings could be concluded and considering the fact that the battle has been going on since many years, the Court deems it fit to direct the Authorities to conclude the eviction proceedings as expeditiously as possible preferably within a period of three months from today.

7. In sofar as the other prayer for declaring the monument as protected under the Act of 1958, considering the provisions of the Act of 1958, the Court leaves it open for the petitioner to make an application if a scope is available under the provisions as on date, the petitioner has not even brought it to the notice of the concerned Authority under the Act of 1958 for such kind of declaration.

8. Leaving it open for the petitioner to redress the grievance, if any, elsewhere, the petition stands disposed of with the aforesaid observations.

(ALPESH Y. KOGJE)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

Biswal

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