

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
WP No. 9766 of 2012**

*(HOPE TEXTILES LTD. AND ANR. AND OTHERS Vs PRINCIPAL SECRETARY STATE OF M.P. AND ANR.
AND OTHERS)*

Dated : 17-10-2023

*Shri Satish Chandra Bagadiya - Sr. Advocate with Shri Rohit Saboo -
Advocate for petitioners.*

Shri Vaibhav Bhagwat - GA for State.

*Shri Lokesh Mehta - Advocate for proposed intervener Indore Bar
Association along with President and Secretary of Indore Bar Association.*

Heard on IA No.1739/2023.

On 3.10.2023 learned counsel for interveners submits that in the present petition a challenge has been made to the order passed by the Collector directing Nazul Officer to take over possession of 12.03 acres of land of petitioner, Hope Textiles Ltd. This Court by order dated 12.10.2012 had directed to maintain status quo in the matter. It was submitted that members of the bar association and judicial officers and litigants are having no place for parking in the premises of District Court, Indore. It was proposed that a Committee may be constituted under the Chairmanship of Principal District & Sessions Judge, Indore by two other members, Collector or his nominee and President or Secretary of the Indore Bar Association, Indore and the said Committee will examine how much area out of 12.03 acres of land is required for parking for judicial Officers, members of Bar and litigants. The permission to park vehicle on the said land would not confer any rights to anyone.

Learned Senior counsel for petitioner has filed reply to the said application and submitted that at present petitioner company is not under litigation and as per the order passed by AAIFR the land of the petitioner

consisting 3.15 acres is free hold known as Unit No.1 and about 22.24 acres of lease hold land known as Unit No.2. The land of the petitioner is being developed and disposed of as per the sanctioned scheme. The sanctioned scheme provides for rehabilitation and restart of the petitioner company in two phases. In the first phase, the free hold land of Unit No.1 is to be sold and 10.31 acres of Unit No.2 was to be sub-leased. This phase has been completed. The funds generated by this sale and sub-lease have been utilized for paying off the statutory liabilities, government dues, dues of the financial institutions, labour dues and payment to the creditors of the petitioner. Thus, on the completion of Phase 1, the petitioner is now fully debt free. Phase 2 of the sanctioned scheme is under implementation to generate funds for restart of the mills and the process for restart of the mills has already been started and the proposal of intervenor may obstruct this process for restart of the mills. However he does not dispute that the land taken over by the Collector is lying vacant because of the order of Collector and interim order of status quo.

Counsel for State has no objection to the proposal of the intervenor and submits that the land in question is vested with the government as per the order of exemption granted by the State government u/S.20 of Urban Ceiling Act and, therefore, the Collector has passed the impugned order directing Nazul Officer to take possession of 8.24 acres of the petitioner's lease hold land.

This court has already passed order of status quo on 12.10.2012, however, by order dated 16.9.2013 the permission was granted to use the small portion of the land for the purpose of Jatra (marathi food festival) for specified days.

After hearing learned counsel for parties and taking into consideration that there is already an order of status quo by this court on 12.10.2012 and the

land is lying vacant without any use and considering the difficulties being faced by the members of the bar, judicial officers and litigants in the premises of the present District Court, this Court is of the view that a Committee of three members be constituted under the Chairmanship of Principal District and Sessions Judge, Indore, Collector or his nominee and President or Secretary of Indore Bar Association. The said Committee shall examine that how much area out of 12.03 acres of land is required for parking for judicial officer, members of the bar and litigants. The Committee will decide the conditions for grant of temporary permission for parking without conferring any right to anyone. The other conditions shall also be decided by the Committee. The temporary arrangement of parking made by the Committee shall be subject to final result of this petition. In terms of the court order dated 16.9.2013, the permission shall be granted to use a portion of the said land for Jatra function.

Counsel for State prays for further time to incorporate the amendment in the reply in terms of the Court order dated 3.10.2023 within a period of 10 days from today.

IA No.1739/2023 is accordingly disposed off.

Let copy of the order be sent to Principal District & Sessions Judge, Indore and Collector, Indore for compliance.

List for final hearing in due course.

(VIJAY KUMAR SHUKLA)
JUDGE