



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 2nd OF SEPTEMBER, 2026

WRIT APPEAL No. 3158 of 2026

SHAIENDRA TEJI

Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WITH

WRIT APPEAL No. 3148 of 2026

DILIP

Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WRIT APPEAL No. 3151 of 2026

SURESH

Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WRIT APPEAL No. 3152 of 2026

KAMLA SARVAN

Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WRIT APPEAL No. 3153 of 2026

RAM KANYA BAI

Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WRIT APPEAL No. 3155 of 2026

SEEMA TANWAR



Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WRIT APPEAL No. 3157 of 2026

SAVITRIBAI

Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WRIT APPEAL No. 3159 of 2026

CHANDA BAI SARWAN

Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WRIT APPEAL No. 3161 of 2026

NATHIBAI

Versus

UJJAIN MUNICIPAL CORPORATION AND OTHERS

WRIT APPEAL No. 3163 of 2026

CHETRAM

Versus

***UJJAIN MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER AND OTHERS***

WRIT APPEAL No. 3165 of 2026

SURAJ TEJI

Versus

***UJJAIN MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER AND OTHERS***

WRIT APPEAL No. 3166 of 2026

RAKESH KHOKAR

Versus

***UJJAIN MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER AND OTHERS***



Appearance:

Shri Tehjeeb Khan- Advocate for the appellants.

Shri Rishi Tiwari- Advocate for the respondent Nos.1 and 2/Ujjain Municipal Corporation.

Shri Prashant Singh- Advocate General, through V.C. with Shri Shrey Raj Saxena-Dy. A.G with Shri Anvesh Shrivastava- Advocate for the State/MPRDC.

JUDGEMENT

Per: Justice Subodh Abhyankar

1] This order shall govern the disposal of all the connected appeals, regard being had to the identical issues involved, as all the appeals have arisen out of a common order, whereby, the petitioners had sought that the respondents be restrained from dispossessing them from the subject property without paying compensation as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as ‘the Act of 2013’).

2] The petitioners had also challenged the order dated 04.05.2026, whereby they were also directed to vacate the residential premises within a period of ten days.

3] Shri Tehjeeb Khan, learned counsel for the appellants, at the outset, has submitted that the appellants are aware of the necessity to acquire the land for the construction of four lane railway over bridge at Hari Fatak, however, the impugned action has been initiated by the Municipal Corporation at the instance of M.P. Road Development Corporation Ltd. (MPRDC). It is submitted that in such circumstances, so far the compensation is concerned, the same has to be paid by the respondent as per the provisions of the Act of 2013.

4] Shri Prashant Singh, learned Advocate General appearing for the MPRDC has submitted that the MPRDC is also concerned about the



proper compensation to be paid to the petitioners/appellants, however, the same cannot go beyond the statutory limits, and for this purpose, the MPRDC is also ready to deposit a sum of Rs.10 Crores in the Registry of this Court as a guarantee. It is also submitted that otherwise also, the MPRDC has already deposited a sum of Rs.4,81,66,544/- with the Collector, Ujjain for the land acquisition purposes and compensation. It is also submitted that the Municipal Corporation is acting at the behest of MPRDC, and the amount can be disbursed by the Municipal Corporation channelizing the same through Collector.

5] Shri Singh has also submitted that out of the twelve petitioners, only five have the sale deeds in their favour on which also they have illegally raised the construction, whereas, seven persons don't even have the sale deeds and only have a lease deed/patta in their favour.

6] Shri Rishi Tiwari, learned counsel appearing for the Ujjain Municipal Corporation has also submitted that the Corporation has issued a notice under Section 305 of the Municipal Corporation Act, 1956 (hereinafter referred to as 'the Act of 1956'), and the Corporation is also ready to pay the compensation to the appellants as per the Collector's guidelines, which in itself is sufficient in all respects, whereas, if the appellants are still aggrieved, they can challenge the said order under Section 387 of the Act of 1956, which in turn refers to the compensation to be paid to the claimants under the provisions of the Land Acquisition Act, 1894. Thus, it is submitted that all the avenues to claim the compensation are open to the appellants, but for the present, they shall be provided the compensation on Collector's guidelines.

7] Heard counsel for the parties and perused the record.

8] On perusal of the record, it is found that so far as the impugned order is concerned, the Writ Court has rejected the petition observing



that an amount of Rs.4.81 Crores has already been deposited with the Collector, Ujjain, and can be availed by the petitioners if they are aggrieved, and there is also a remedy to challenge the assessment of award by way of initiating proceeding under Section 64 of the Act of 2013, whereas, counsel for the petitioners/appellants has submitted that even the award has not been passed by the competent Officer, and thus, they cannot avail the remedy under Section 64 of the Act of 2013.

9] Be that as it may, considering the fact that the counsel for the petitioners/appellants, in principal, has agreed that the land would be acquired for the development of city of Ujjain for the forthcoming *Simhastha-2028*, we believe that the only dispute which remains to be decided is in respect of the compensation which is to be paid. Admittedly, an amount of Rs.4.81 Crores has already been deposited by the respondent with the Collector, Ujjain, whereas, counsel for the MPRDC has fairly stated that they are ready even to deposit a sum of Rs.10 Crores before the Registry of this Court, however, we do not doubt about the financial capacity of the MPRDC, or their intention to pay the compensation, and in such circumstances when the Municipal Corporation is also ready to pay the compensation in accordance with the Collector's guidelines, whereas, in case if the petitioners are aggrieved of the same, they can also resort to Section 387 of the Act of 1956, which provides for the mechanism of arbitration, in which the provisions of Land Acquisition Act, 1894 (now under the Act of 2013) are also to be applied as per Section 387(3) of the Act of 1956.

10] In view of the same, we direct the Municipal Corporation to pay the compensation as agreed by the counsel for the Municipal Corporation to the petitioners/appellants, within a week's time, in accordance with the law, whereas, ***the petitioners/appellants are also***



directed to vacate the premises and handover the possession to the Officers of the Municipal Corporation within the aforesaid period of two weeks.

11] Needless to say, if the petitioners are aggrieved by the inadequacy of the compensation, they can challenge the same in accordance with Section 387 of the Act of 1956.

12] With the aforesaid, appeal stands ***disposed of.***

(SUBODH ABHYANKAR)
JUDGE

(ALOK AWASTHI)
JUDGE