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WA-674-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&amp;

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 28<sup>th</sup> OF FEBRUARY, 2026WRIT APPEAL No. 674 of 2026

*MASJID SADAR ANJUMAN ISLA UI MUSLIMEEN THROUGH ITS  
EXECUTIVE OFFICER SHRI SABIR HASHMI S/O LATE S*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Ajay Bagadia - Senior Advocate with Shri Rizwan Khan -  
Advocate for the appellant.*

*Shri Rahul Sethi - Additional Advocate General for the  
respondent/State.*

*Shri Rishi Shrivastava - Advocate for the respondent No.5.*

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ORDER

*Per. Justice Vivek Rusia*

The appellant has filed the present appeal under Section 2(1) of M.P. Uchha Nyayalaya (Khandpeeth Ko Appeal) Adhiniyam, 2005 challenging the order dated 27.02.2026 whereby the Writ Court has dismissed Writ Petition No.7146/2026 with liberty to avail the alternate remedy.

2. Shri Ajay Bagadia, learned Senior Advocate appearing for the appellant/petitioner submits that the appellant/petitioner is willing to avail the alternate remedy, but apprehends that certain observations made by the



Writ Court upon merits of the case may come in the way of appellant before the Appropriate Forum.

3. Needless to say that observations in the Writ Court's order, if any made, are without reply made only to relegate the appellant/petitioner to avail the alternate remedy. Even otherwise, the Writ Petition No.7146/2026 was disposed of without reply made by the respondents.

4. Shri Rahul Sethi, Additional Advocate General appearing for the respondent/State submits that after dismissal of the Writ Petition, the Respondent-Authority started removing the illegal construction at 07:30 AM and continued till 9:15 AM and thereafter, on oral request made by the appellant/petitioner, seven days' time has been granted to avail the alternative remedy available under the law.

5. In view of the aforesaid, we hereby dispose of this Writ Appeal with following instructions :

(a) The order dated 27.02.2026 passed in Writ Petition No.7146/2026 by the Writ Court is hereby upheld, so far it relates to granting of liberty to the appellant/petitioner to avail the alternative remedy available under the law.

(b) Any observation made by the Writ Court on merits of the case, shall not come in way of the Authority, Forum or Civil Court while deciding the issues between the parties.

(c) The State Government shall be at liberty to oppose on merits as no reply was filed in Writ Petition.

(d) Keeping in view, the upcoming Holi vacation and Eid festival,



instead of one week, we find it appropriate to grant one month's time to the appellant/petitioner so that the appellant/petitioner may get a temporary injunction from the Appropriate Authority; till then, parties shall maintain status quo as on the day and time of passing of this order.

6. With the aforesaid directions, present Writ Appeal is **disposed of**.
7. Certified Copy today.

(VIVEK RUSIA)  
JUDGE

(DWARKA DHISH BANSAL)  
JUDGE

Shivani