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WP-50453-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 29th OF DECEMBER, 2025

WRIT PETITION No. 50453 of 2025

*M.G.R. DEVELOPERS THROUGH PARTNER GAURAV KUMAR
PATHAK*

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Karpe Prakhar Mohan - Advocate for the petitioner.

Shri Sumit Kapoor- G.A. appearing on behalf of Advocate General[r-
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ORDER

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking the following reliefs:

It is, therefore, humbly prayed that this Hon'ble Court may be pleased to:

7.1. Petition may kindly be allowed by setting aside the Impugned Order dated 22.10.2025 (Annexure P-10) and issuing an appropriate writ directing the Respondent No. 02 to issue development permission to the Petitioner for developing the colony "Vimal Shree Shubhaangan".

7.2. Pass any other order or direction as this Hon' ble Court may deem fit and proper in the facts and circumstances of the case.



2. The petitioner is a partnership firm engaged in the business of development of residential colonies and township. The petitioner claims development rights over land bearing survey Nos.33/2, 36, 38, 39, 40/2, 65/1, 65/2, 65/3, 65/4 and ownership over survey no.66, admeasuring in total 2.897 hectare, situated at village Chitkana, Tehsil Kanadia, District Indore upon which it proposes to develop a residential colony under the name "Vimal Shri Aangan".

3. The State Government, vide notification dated 06.03.2021 revised the boundaries of the Indore Development Scheme, 2021 whereb 79 villages including village Chitkana were included in the planning area. Subsequent to the said notification, objections were invited regarding land use; however, as on date, the land use of village Chitkana continues to be reflected as Non Planning Agriculture.

4. On the petitioner's application, the Joint Director, Town and Country Planning, Indore issued a favourable opinion/sanction on 29.07.2021 opining that the proposed development could be permitted subject to obtaining necessary permissions under the Madhya Pradesh Land Revenue Code, 1959 and the M.P Gram Panchayat (Development of Colonies) Rules, 2014.

5. In compliance with the aforesaid conditions, the petitioner applied for diversion of land under section 59 of the M.P Land Revenue Code. The competent revenue authorities allowed the applications by orders dated 05.10.2021, 07.10.2021, 31.01.2022 and 10.10.2022, whereafter the land stood lawfully diverted for residential purposes. The petitioner also obtained



coloniser registration from the Collector, Indore on 13.09.2022.

6. Despite the petitioner having fulfilled all statutory requirements and being ready to deposit development fees, the respondent authorities failed to assess the development fees or grant development permission. The petitioner specifically pleaded that similarly situated colonies in villages Panchdehariya and Hatod, which were also included under the same notification dated 06.03.2021, were granted development permission after the inclusion of those villages in the Indore Development Scheme.

7. Earlier, the petitioner approached this Court by filing W.P.No.33957/2025 which was disposed of on 29.08.2025 directing respondent No.2 to consider the petitioner's case for assessment of development fees in accordance with law. However, by the impugned order dated 22.10.2025, respondent No.2 rejected the petitioner's claim citing (1) that directions of the State Government with respect to the 79 newl included villages are awaited and (ii) that requisite documents including a fresh T&CP sanction were not furnished invoking Rule 9(5) of Chapter 3 of the Rules of 2014.

8. Learned counsel for the petitioner submits that the impugned order is wholly arbitrary, dehors the statutory scheme and violative of Article 14 of the Constitution. It is contended that the grounds relied upon in the impugned order have no foundation either under the Rules of 2014 or under the circulars governing the field. It is further submitted that the controversy is squarely covered by the judgment of this Court dated 09.12.2025 passed in W.P.No.22566 (MS S.R Realities through Partner and authorized person



Rahul vs. the State of M.P and others), wherein identical grounds were rejected.

9. Learned Government Advocate fairly does not dispute that the issue involved is similar, but seeks to justify the impugned action on administrative grounds.

10. The primary question which arises for consideration is whether an application for development permission can be rejected solely on the ground that directions from the State Government are awaited when the statutory rules and governing circulars already hold the field.

11. It is a settled principle of administrative law that a statutory authority must exercise the jurisdiction vested in it and cannot refuse to act on the pretext of awaiting instructions, unless such instructions are expressly mandated by statute. Neither the M.P Gram Panchayat (Development of Colonies) Rules, 2014 nor the circular dated 13.06.2022 contemplate that development permissions in newly included villages shall remain in abeyance till further directions of the State Government are issued.

12. Rules 9(5) of Chapter 3 of the Rules of 2014 empowers the competent authority to reject an application only if the requisite fee is not deposited or the required documents are not furnished or are not in order. In the present case, the petitioner had already obtained diversion orders, coloniser registration and favourable T&CP opinion. The insistence on submission of a fresh T&CP sanction, therefore, is dehors the Rules and amounts to reading into the statute a condition which does not exist.

13. It is also trite law that calling for opinions from other



departments is an internal administrative function. An applicant cannot be compelled to obtain inter-departmental clearances which lie exclusively within the domain of the State authorities. Such an approach would render the statutory remedy illusory and place an impossible burden upon the applicant.

14. The impugned action also fails the test of non-arbitrariness under Article 14 of the Constitution. The petitioner has placed material on record to demonstrate that development permissions have been granted to a large number of similarly situated colonies in villages Panchdehariya and Hatod, which were included under the same notification dated 06.03.2021. The respondents have failed to furnish any intelligible differentia or rational basis to deny similar treatment to the petitioner.

15. The doctrine of legitimate expectation is also attracted in the present case. Once statutory permissions were granted, diversion was allowed, coloniser registration was issued, and similarly situated developers were granted development permission, the petitioner had a legitimate expectation that its application would be considered in a fair, non-discriminatory and lawful manner. The impugned order frustrates such expectation without authority of law.

16. Moreover, the issue involved in the present petition is no longer res integra. This Court, in its judgment dated 09.12.2025 passed in W.P.No.22566/2025, after an elaborate examination of the very same statutory provisions and circulars, has categorically held that rejection of development permission on identical grounds is illegal, arbitrary and



unsustainable. Judicial discipline mandates that coordinate benches follow such binding precedent, particularly when no distinguishing feature is shown.

17. The impugned order, therefore, suffers from non application of mind, misinterpretation of statutory provisions, abdication of jurisdiction and violation of Article 14 of the Constitution of India and cannot be sustained.

18. Consequently, the writ petition is allowed. The impugned order dated 22.10.2025 (Annexure P/10) is hereby quashed.

19. Respondent No.2 is directed to assess the development fees and grant development permission to the petitioner for the proposed colony "Vimal Shri Aangan" in accordance with law within a period of 30 days from the date of receipt of a certified copy of this order.

20. The petition stands allowed and disposed of. No order as to costs.

(HIMANSHU JOSHI)
V. JUDGE

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