

**THE HIGH COURT OF MADHYA PRADESH****W.P. No. 1407/2014***Sandesh Singh Tomar Vs. State of M.P. and others***Gwalior, Dated:-17/06/2019**

Shri Prashant Sharma, learned counsel for the petitioner.

Shri S.P. Jain, learned Panel Lawyer for respondents No. 1 to 5/State.

Shri Santosh Agrawal, learned counsel for respondent No.6.

Petitioner, by way of present petition, seeks following reliefs:-

“i- The orders impugned annexure P/1 and P/2 may kindly be quashed.

ii- Since over survey No.6 respondents are laying down the road without providing any opportunity of hearing to the petitioners thus, the orders impugned annexures P/1 and P/2 may kindly be stayed and respondents may kindly be restrained from creating any hindrance over the right of petitioners or laying down any road over the property or raising any construction over the property.

Any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case same may kindly be granted to the petitioner.”

At the outset, learned counsel for the petitioner submits that in view of the judgment/decreed dated 17/05/2019 passed in First Appeal No. 14A/2004, presently, the cause of action in the present petition does not survive. However, without prejudice to challenge the judgment/decreed dated 17/05/2019 passed in First Appeal No. 14A/2004 in Second Appeal, learned counsel for the petitioner prays for withdrawal of petition.

Prayer allowed.

Petition stands dismissed as withdrawn with the said liberty.

(Sanjay Yadav)  
Judge

Shubhankar\*