

12. THE STATE OF M.P. THROUGH PATWARI RAMPUR
BAGHELAN DISTRICT SATNA (MADHYA
PRADESH)

.....RESPONDENTS

*(SHRI ISHAN SONI - ADVOCATE FOR THE RESPONDENTS NO.1 TO 11
AND SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE
RESPONDENT NO.12-STATE)*

WRIT PETITION No. 3917 of 2024

BETWEEN:-

GIRJASHANKAR S/O LATE OMPRAKASH, AGED ABOUT
47 YEARS, H.NO. 500/1 GALI CHIDIPAL BICHALA BAJA
BHIWANI TEHSIL AND DISTRICT BHIWANI (HARYANA)

.....PETITIONER

(BY SHRI ISHAN SONI - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH ITS
PRINCIPAL SECRETARY DEPARTMENT OF
REVENUE VALLABH BHAWAN BHOPAL (MADHYA
PRADESH)
2. ADDITIONAL COMMISSIONER (REVENUE)
OFFICE OF THE ADDITIONAL COMMISSIONER
REWA (MADHYA PRADESH)
3. COLLECTOR COLLECTORATE SATNA DAWARI
MAHADEVA ROAD, PREM VIHAR COLONY,
SATNA (MADHYA PRADESH)
4. SUB DIVISIONAL OFFICER, TEHSIL RAMPUR
BAGHELAN SATNA (MADHYA PRADESH)
5. TEHSILDAR, BAGHELAN SATNA (MADHYA
PRADESH)
6. TEHSILDAR, RAGHURAJNAGAR SATNA (MADHYA
PRADESH)
7. ASHOK SINGH S/O LATE SHRI GOVIND NARAYAN
SINGH R/O BAGHELAN DISTRICT SATNA
(MADHYA PRADESH)
8. DHRUV NARAYAN SINGH S/O LATE SHRI GOVIND

NARAYAN SINGH R/O RAMPUR, BAGHELAN
DISTRICT SATNA (MADHYA PRADESH)

9. AMRANTASH SINGH S/O LATE SHRI SIDDHARTH
SINGH R/O RAMPUR, BAGHELAN DISTRICT
SATNA (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE
RESPONDENTS NO.1 TO 6-STATE AND SHRI SUNIL KUMAR MISHRA -
ADVOCATE FOR THE RESPONDENTS NO.7 TO 9)*

.....

*These petitions coming on for admission this day, the court passed the
following:*

ORDER

Petitioners (in M.P. No.7607 of 2023) are aggrieved of the order dated 24.11.2023 (Annexure P-9) passed by the learned Additional Commissioner, Rewa Division, Rewa in case No.99/Appeal/2023-24, RCMS No.0074/Appeal/2023-24. Writ Petition is filed by the rival parties being aggrieved of the same order.

2. On one hand, petitioner in M.P. No.7607/2023 Ashok Singh and others, claim that the said land was recorded in the name of their father Shri Govind Narayan Singh, who was the Chief Minister of Madhya Pradesh and, therefore, the respondents herein are required to show that how their grandfather Shri Manohar Lal Seth got that land mutated in his name, on the basis of which the respondents herein are claiming their right and title over the land and also mutation in their name.

3. When this Court asked Shri Sunil Kumar Mishra, learned counsel for the petitioners that what is the right and title of Shri Govind Narayan Singh or his children or the ancestors of Shri Govind Narayan Singh then, he submits that there are no documents like registered sale-deed, gift deed, etc. to show the title, but there is a Patwari report (Annexure P-4) dated 09.05.2018. However,

he is not in a position to explain that how on the basis of a Patwari report, rights of parties can be determined.

4. Patwari is not a God. He may be a demigod in the rural society but, he cannot supersede the legal provisions. There should be some foundation for recording possession of the petitioners Ashok Singh and others by the concerned Patwari. But no such material is brought on record. No revenue record is produced to show possession of Ashok Singh and others.

5. Shri Sunil Kumar Mishra, learned counsel further submits that private respondents were residents of Haryana and they never came to cultivate the land.

6. However, he is not in a position to explain that if the land was in the name of Shri Govind Narayan Singh and it was not a Benami transaction then, what Shri Govind Narayan Singh or his children were doing for so many years to get their names mutated in their favour or to challenge the mutation as was carried out in favour of Shri Manohar Lal Seth.

7. As far as merits of the case are concerned, since petitioners' counsel despite repeated requests of this Court, is not in a position to point out that petitioners or their ancestors ever had the said land in question recorded in their names as contained in Survey Nos.126/1, 130/1, 157, 158, 159, 160, 161, 162 and 163, measuring 6.086 Hectares then, they have no right to challenge the mutation in the names of the successors of Shri Manohar Lal Seth S/o Murlidhar. Therefore, the miscellaneous petition filed by Ashok Singh and others is devoid of merits and is hereby dismissed.

8. Shri Manas Mani Verma, learned Government Advocate is directed to send a copy of this order to the Collector, Satna to promptly take action against the concerned Patwari, who had given a bogus report as contained in Annexure

P-4.

9. It is further directed that Collector, Satna will take disciplinary action against the concerned Patwari after issuing a show cause notice to him, seeking reply within 30 days of receipt of certified copy of this order that as to under which provision of law, he had given the said report and how he was authorized to give report as contained in Annexure P-4. Collector, Satna is also directed to lodge FIR against the concerned Patwari under intimation to the Registry of this High Court for which the matter will be listed under the head of "Directions" after 30 days.

10. Shri Ishan Soni, learned counsel for the petitioners in W.P. No.3917 of 2024 prays for withdrawal of this writ petition with liberty to pursue his remedy before the revenue authorities, as miscellaneous petition filed by the rival parties is dismissed on its own merits.

11. Accordingly, M.P. No.7607/2023 is dismissed on merits and W.P. No.3917/2024 is disposed of as withdrawn with the aforesaid liberty.

12. Though case is disposed of, however, it be listed under the head of "Directions" in the week commencing 27.05.2024 enabling the Collector, Satna to report compliance of the order.

(VIVEK AGARWAL)
JUDGE