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

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 9th OF NOVEMBER, 2023

WRIT PETITION No. 25144 of 2023

BETWEEN:-

**HARESINGH MARKAM(BAIGA) S/O SHRI SUDARSHAN
SINGHBAIGA, AGED ABOUT 41 YEARS, OCCUPATION:
FARMER R/O GRAM SANDUKA NEWARWAHI
BALAGHAT (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI SUYASH PYASI - ADVOCATE)

AND

- 1. UNION OF INDIA THROUGH PRINCIPAL
SECRETARY MINISTRY OF TRIBAL AFFAIRS
GROUND FLOOR D WING SHASTRI BHAWAN NEW
DELHI (DELHI)**
- 2. STATE OF M.P. THROUGH PRINCIPAL SECRETARY
OFFICE TRIBAL WELFARE DEPARTMENT RAJIV
GANDHI BHAWAN DOORDARSHAN COLONY
KRISHNA NAGAR, SHYMALA HILLS BHOPAL
(MADHYA PRADESH)**
- 3. STATE OF M.P. THROUGH PRINCIPAL SECRETARY
HOME DEPARTMENT VALLABH BHAWAN,
DISTRICT BHOPAL (MADHYA PRADESH)**
- 4. COLLECTOR BALAGHAT NEW COLLECTORATE
RD, CIVIL LINES DEENDAYAL PURAM BALAGHAT
(MADHYA PRADESH)**
- 5. THE SUPERINTENDANT OF POLICE OFFICE
GOURAV PATH MISSION COMPOUND BUDHI
BALAGHAT (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI HARSHWARDHAN SINGH RAJPUT - ADVOCATE FOR RESPONDENT
NO. 1)***

(SHRI AMIT SHARMA - GOVERNMENT ADVOCATE FOR THE STATE)

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This petition coming on for admission this day, the court passed the following:

ORDER

Petitioner's contention is that his land has been taken over by the police authorities of the State Government for construction of police post. It is submitted that the police post has already been constructed rendering the land of the petitioner useless.

It is submitted that the said exercise has been carried out by the State authorities without undertaking the procedure for land acquisition. Petitioner is a land loser and his valuable rights are being affected by erection of a police post on his land.

Learned counsel for the petitioner submits that he has made a representation Annexure P-6 to the Cabinet Secretary and prays for directing the Cabinet Secretary to decide the same.

To my understanding of aspects of Public Administration, post of Cabinet Secretary has nothing to do with the affairs of the State. The representation is required to be made to the Principal Secretary, Home Department or the Collector, District Balaghat who have already been impleaded as respondent nos. 3 and 4 in the present petition.

In case, petitioner files a fresh representation before the Principal Secretary, Home Department, Vallabh Bhawan Bhopal within fifteen days from today, then the said authority shall decide the said representation through a speaking order within a further period of thirty days under communication to the petitioner.

It is made clear that looking to the status of the petitioner being a member of the Scheduled Tribe community, it is expected that Principal Secretary,

Home Department will take a holistic view, in as much as, the State Government is dutybound by the constitutional provisions to protect the interest of such Tribal community.

In above terms, the petition is disposed of.

(VIVEK AGARWAL)
JUDGE

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