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MP-5747-2022

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 25th OF SEPTEMBER, 2025MISC. PETITION No. 5747 of 2022*RAMESH SINGH AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Shubham Manchani - Advocate for the petitioners.

Shri Swatantra Pandey - Panel Lawyer for the respondents/ State.

Shri Paritosh Gupta - Advocate for respondent No.4.

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ORDER

The petitioners have preferred the present petition under Article 227 of the Constitution of India, challenging the order dated 03.03.2020 (Annexure-P/12) passed by the Collector & District Magistrate, Satna, in Case No.265/A-74/2015-16 and also the order dated 21.10.2022 (Annexure-P/16) passed by the Commissioner, Rewa Division, Rewa, in Case No.R.C.M.S. Case No.0023/Appeal/2020-21.

2. As per the facts of the case, respondents No.5 and 6 were allotted the property in question vide allotment order dated 07.01.1978. On 25.01.1988, respondents No.5 and 6 were declared as *Bhoomiswamis* of the property in question. The petitioners are the *bona-fide* purchaser of the property in question and they have purchased the said property from respondents No.5 and 6 vide sale-deed dated 16.06.2004. A complaint was



made by respondent No.4 on 07.09.2016 without having any locus to lodge the complaint, before the Collector, Satna. An adjudication of complaint was done in *suo-moto* revision by the Collector and report was called for. The Collector, Satna, without waiting for the report, vide impugned order dated 03.03.2020, has decided the matter holding that the property in question is a Government land. This order was put to test before the Commissioner, Rewa, by filing an appeal and the same was dismissed vide impugned order dated 21.10.2022. Thus, the cause of action for filing the present petition arose.

3. Learned counsel for the petitioners has submitted that both the impugned orders were challenged on the ground that respondent No.4 has no locus to file any complaint and the status of respondent No.4 is a blackmailer. It was also stated that earlier also the respondent No.4 had filed a false civil suit against the petitioners which was withdrawn with a cost of Rs.15,000/- imposed upon respondent No.4. It is also argued that the orders impugned have infringed the fundamental rights of the petitioners. The sale-deed and bank statements were also produced but the same have also not been considered by the Authorities. It is settled principle of law that the Collector cannot take action under *suo-moto* revision belatedly. Hence, both the impugned orders are illegal and deserve to be set-aside.

4. *Per contra*, learned counsels for the respondents have supported the orders impugned and prayed for dismissal of this petition submitting that it is a case of misappropriation of Government land by the petitioners. The revenue authorities rightly found that the land in question could not be transferred without prior permission of the competent authority under the



provisions of Madhya Pradesh Land Revenue Code, 1959 [for short 'MPLRC'].

5. Heard the arguments advanced by learned counsel for the parties and perused the record.

6. On perusal of the impugned orders, it appears that the property in question i.e. Moja Rajola 268/1A ad-measuring area 1.619 hectare and 268/1-G ad-measuring area 1.619 hectares situated at Gram- Mazgawa, Chitrakoot. The property in question was initially allotted to Bhawanideen S/o Ramadheen Chamar, R/o Kamta, Chitrakoot. This land was allotted vide order dated 07.01.1978 passed in Revenue Case No.01/A-19/77-78. The property in question was duly purchased by the petitioners while executing the sale-deed dated 16.04.2004. Soon after the execution of sale-deed in their favour, the petitioners were peacefully enjoying the possession of said land.

7. Further, the record also reveals that all these proceedings were initiated upon a complaint filed by respondent No.4 who had no nexus with the disputed land. Earlier also, respondent No.4 had filed a suit against the present petitioners before the Civil Court bearing RCS No.100007/2016 instituted on 02.02.2016 which continued upto 14.02.2022 and was ultimately, dismissed as withdrawn. The learned Civil Court while making an observation that these proceedings have cast so much time of the Court and the defendant, and therefore, had imposed a cost of Rs.15,000/- upon respondent No.4.

8. On perusal of order dated 21.10.2022 passed by the Commissioner,



Rewa Division, paragraph No.4 therein reveals that upon the complaint dated 07.09.2016 (Annexure-P/6) filed by respondent No.4, the Collector as per the provisions of Section 50 of MPLRC, took *suo-moto* action under revisional jurisdiction on 19.06.2017. In this context, the Full Bench of this High Court in the case of **Ranveer Singh & Others Vs. State of M.P.** reported in 2010 (4) MPLJ 178, has held that *suo-moto* power of revision can be exercised within a period of 180 days from the date of information. The relevant paragraph is quoted hereinunder:-

"36. *Ex consequentia*, we hereby hold that in order to exercise suo motu power of revision envisaged under Section 50 of the Code and looking to the scheme of Chapter V, it should be exercised by the Revisional Authority within 180 days from the date of the knowledge of the illegality or impropriety of any order passed or as to the irregularity of the proceedings of any Revenue Officer subordinate to it and it will not be justifiable to stretch it for any length of period even for protection of the Government land or public interest."

9. In the case at hand, undisputably, the sale-deed in respect of property in question was executed in the year 2004 and the complaint was filed on 07.09.2016 and *suo-moto* action under revisional jurisdiction was taken by the Collector on 19.06.2017 i.e. after more than 180 days, which was not permissible in the light of order passed by the Full Bench of this High Court in the case of **Ranveer Singh (Supra)**.

10. This Court has no hesitation to say that even if there is no specific limitation period under Section 50 of MPLRC, mutation and ownership entries attained finality, cannot be reopened after decades in the guise of revisional power that too without conducting any full fledged enquiry.

11. Apart from the above, this Court also deems it appropriate to observe that before passing the order impugned dated 03.03.2020, though the Collector had asked for a fresh report from Sub-Divisional Officer, Majhgawan, but thereafter without waiting for the same, has passed the same



on the basis of earlier report dated 07.12.2016. The language of report dated 07.12.2016, shows that the Sub-Divisional Officer, Majhgawan, District-Satna, has only given his opinion saying that the allotment *prima facie* seems to be forged meaning thereby he was not confident to say that the allotment is indeed forged. In the order dated 03.03.2020, the Collector himself is not able to say abundantly that the allotment was forged and he has emphasized upon the issue regarding not obtaining prior permission of competent authority while transferring the land. In the opinion of this Court, the Collector has failed to conduct a full fledged enquiry before passing the order under challenge.

12. Rather, the instant case is a classic example of failure of functionality of State machinery, as the irregularity, if any, could not be pointed-out while executing the sale-deed and thereafter even while mutating the land in the name of petitioners. Suddenly, after lapse of two decades, upon a complaint filed by someone who might have some personal grudge with the parties, the authority woke up from deep sleep and took *suo-moto* action forcing the petitioners to contemplate eviction from his land. There is no doubt, *prima facie* the petitioners are bona-fide purchasers and their status of *Bhoomiswami* cannot be snatched away without conducting full fledged enquiry or obtaining a decree from a competent Civil Court. The law recognizes the status of *Bhoomiswami* as a substantial right connected with land ownership; it is not a mere privilege that can be revoked casually. If the revenue authorities continue to entertain such type of complaints and passing such type of orders without conducting full fledged enquiry, this will



definitely give rise to a new chaos. The aggrieved party including State may take the shelter of Civil Court to get their status back, if entitled, but this Court, decades later, cannot promote the process of stripping someone from his ownership on the basis of half-baked investigation and enquiry.

13. Looking to the overall facts and circumstances of the case, in the opinion of this Court, the orders impugned dated 03.03.2020 and 21.10.2022 passed by the Collector and Commissioner, respectively, are hereby, set aside.

14. Accordingly, the petition stands **allowed**.

(HIMANSHU JOSHI)
JUDGE

Prachi