

Vikash Jain Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-29-2012

Appellant : Vikash Jain

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. V.K.Shukla

Judgement :

W.P.No.17363/2012 (Vikash Jain versus State of MP and otheRs.29.10.2012
Heard Shri V.K.Shukla, learned counsel for the petitioner on the question of admission and interim relief.

The petitioner has filed this petition alleging that the respondents/authorities are not taking any action against the respondents No.3 to 8 who are revenue officers posted in Umariya and with whose knowledge and involvement nearly 400 acres of land recorded as forest was sold by some persons after forging the revenue records.

It is submitted by the learned counsel for the petitioner that on a complaint filed by the petitioner, who was the purchaser of 80 acres of land of village Dogritola Tahsil Manpur District Umariya, an enquiry was conducted by a team of seven revenue officers under the supervision of Sub Divisional Officer (Revenue) Manpur who has submitted a report to the effect that about 400 acres of land recorded as forest has been sold after forging the revenue records with the connivance of several

revenue officers who were involved and are guilty along with other private individuals in committing the illegality but inspite of the said report no action has been taken by the revenue authorities till date except for filing an F.I.R.in respect of 80 acres of land sold to the petitioner only against 24 private individuals and Patwari and otheRs.totally exonerating and ignoring the higher revenue officers like respondents No.3 to 8 against whom there is a report.

It is also submitted that in the present petition the petitioner has prayed for a direction to the respondent No.2 to initiate proper action in respect of 320 acres of land and other forest lands which have been sold in around Bandhavgarh National Park against the respondents No.3 to 8 and others as well as to award compensation and damages.

I have heard the learned counsel for the petitioner at length.

Apparently, the remedy of the petitioner for claiming compensation and damages etc.is not before this court but before the competent court and the petitioner, if so advised, may take up appropriate proceedings for obtaining the relief as far as compensation and damages etc.are concerned.

However, as far as the prayer made by the petitioner seeking issuance of direction to the respondents/ State to protect the forest land and to initiate action against not only the erring officers of the State responsible for fraudulent transaction of forest land but also the private individuals is concerned, the petition filed by the petitioner is disposed of with a direction to the respondent No.2 to ensure that proper action in accordance with law is taken against those persons against whom there is a report and to ensure strict protection of the land recorded as forest whether revenue or otherwise and conduct a proper enquiry in that respect.

The respondent No.2 is also directed to ensure that further steps are taken after involving forest as well as police authorities and appropriate criminal and other proceedings are initiated against the persons guilty and that no further occurrence of similar nature takes place.

To enable the respondent No.2 to take appropriate action, a copy of the order passed today along with a copy of the petition be served upon him by the petitioner.

It goes without saying that the respondent No.2 shall take steps at the earliest for protection of the forest land whether revenue or otherwise and take time bound steps in the matter preferably within a period of three months strictly in accordance with law.

It is made clear that the petitioner would be at liberty to move his court again in case any laxity is demonstrated by the respondent No.2.

The Registrar General of this court shall send a copy of the order passed today to the respondent No.2 for necessary action and compliance.

With the aforesaid directions, the petition filed by the petitioner stands disposed of.

C.C.as per rules.

(R.S.Jha) Judge msp

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