

**Man Singh Vs. the State of Madhya Pradesh**

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**SooperKanoon Citation :** [sooperkanoon.com/1042555](http://sooperkanoon.com/1042555)

**Court :** Madhya Pradesh

**Decided On :** Aug-28-2012

**Appellant :** Man Singh

**Respondent :** The State of Madhya Pradesh

**Advocate for Pet/Ap. :** Shri. Praveen Verma

**Judgement :**

Man Singh versus State & anr.

W.P.No.12736/2012 28/08/2012 Shri Praveen Verma, learned counsel for the petitioner.

Shri Rajesh Tiwari, learned GA on advance notice for the respondents.

Petitioner is working as a Patwari and challenge in this writ petition is made mainly on the ground that the policy of the State Government as contained in Clause 9.5 of the circular Annexure P5 dated 1st of May, 2012, wherein it is indicated that a Patwari or a Revenue Inspector shall not be posted in his home Tehsil. Challenge to this policy is made mainly on the ground that in Section 104 of the M.P. Land Revenue Code and the Terms and Conditions governing appointment to the post of Patwari, there is no prohibition for his working in the home Tehsil and as the statutory provision is violated by incorporating such condition, this writ petition is filed to declare the said Clause i.e. 9.5. as illegal.

In view of the above, State Government should file reply and give their justification for incorporation of such a Clause.

Four weeks' time is granted to file reply.

Learned counsel for the petitioner prays for interim relief.

Having heard learned counsel for the parties on the question of interim relief, I am of the considered view that no interim relief can be granted for the present, for the simple reason that the policy which has been introduced is, prima facie, for filling up of a gap in the rule or statutory provision and as the *Man Singh versus State & anr.*

same is permissible by means of an executive instruction, the contention of the petitioner seems to be incorrect. That apart, the petitioner is a Patwari and has been transferred only from one Partwari Circle to another in the same district and, therefore, no case is made out for grant of any interim relief.

Prayer for interim relief is accordingly, rejected.

(Rajendra Menon) Judge nd

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