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Mohanlal Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-17-2013

Appellant : Mohanlal

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. S. Kanojiya

Judgement :

Writ Petition No.15806/2013 (O) 17.09.2013 Shri S.

Kanojiya, learned counsel for the petitioneRs.Shri Ashok Chourasiya, learned Govt.

Adv for respondent-State.

Heard.

The petitioners working as Watchmen (ChoukidaRs.under the provision of M.P.Land Revenue Code 1959 have filed this petition under Article 226 of the Constitution of India for issuing appropriate writ for the following reliefs:- 1.

To command the respondents to decide the petitioners claims/representations in the light of notification dated 3.3.2010, (Ann.

P-3) as has been directed in order Annexure P-4 passed in W.P.No.939/2009, 2.

Any other relief which deemed fit and proper may also be given to the petitioners in the interest of justice.

PetitioneRs.counsel after taking me through the averments of the petition, papers placed on record argued that since long, the petitioners are coming in possession of the land described in the petition as Watchmen of the village because the same has been given to them as Service Land.

In continuation he said that in accordance with the provision of M.P.L.R.Code, Rules and Regulations, the petitioners have acquired right of occupancy tenants as such land and by operation of law, they have become Bhumiswamis of the same, hence they are entitled to be recorded their names as Bhumiswamis in the revenue record.

Inspite making efforts, no steps are being taken by any of the respondents-authorities in this regard, on which they have given representations, dated 3.7.2013 and 17.5.2013 (Ann.

P-5).the same are still pending in the office of the respondents' authority for adjudication.

He also said that in this regard a policy has also been enacted by the State of M.P.which has come into force from 3.3.2010 and the petitioneRs.rights are also covered under such policy and prayed to dispose of this petition by issuing appropriate direction to the respondents - authority to consider the aforesaid respective representations, (Ann.

P-5) collectively, dated 3.7.2013 and 17.5.2013 in accordance with the policies, provisions rules and regulations enacted in this regard.

State's Counsel did not have any objection in disposing of the petition on the aforesaid terms as prayed by the petitioneRs.counsel.

In view of aforesaid, instead to admit or issuing any notice to the other side, this petition is disposed of with a direction to the respondents through respondent no.2, Collector to decide the aforesaid representations of the petitioneRs.(Ann.

P-5) collectively, dated 3.7.2013 and 17.5.2013 taking into consideration the enacted policy by the State of M.P., so also other provisions and regulations enacted with speaking order under intimation to the petitioners within 90 days from the date of submitting the certified copy of this order alongwith copy of the petition and Annexures in the office of respondent no.2 and the petitioneRs.counsel is directed to submit the aforesaid papers in the office of respondent no.2, Collector within ten days from today.

C c as per rules.

(U.C.Maheshwari) Judge bks

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