

Vidhya Devi Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : May-08-2013

Appellant : Vidhya Devi

Respondent : The State of Madhya Pradesh

Judgement :

Writ Petition No ::

585. / 2013 Vidya Devi and others versus State of Madhya Pradesh and another
08.05.2013.

Shri A.P.Pandey for the petitioners. Shri Sanjay Dwivedi, Government Advocate,
for State.

Petitioners have filed this writ petition challenging certain order passed by
Collector, Jabalpur in a revenue case with regard to their Bhumiswami rights.

It is the case of the petitioners that the order has been passed without hearing
them and, therefore, is not maintainable.

Records indicate that challenging the same order passed by the Collector,
petitioners had filed W.P.No.15782/2012 before this Court and vide order-dated
5.11.2012 - Annexure P/4, a Bench of this Court adverted to consider the question
and found that against the order impugned, petitioners have a remedy of appeal
under section 44 and revision under section 50 and holding that a petition directly

before this Court without taking recourse to the remedy available is not permissible, the petition was dismissed with liberty to the petitioners to take recourse to the remedy available as indicated in the order.

Instead of taking recourse to the said remedy, petitioners have again filed this writ petition and it is canvassed that as opportunity of hearing was not granted, interference be made.

Once a writ petition challenging the same order was dismissed by a Coordinate Bench of this Court, no further indulgence into the matter is called for.

If the petitioners have any grievance, they should have sought recall or review of the order passed on 5.11.2012, in W.P.No.15782/2012, or challenged it by filing a writ appeal.

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So long as the said order subsists, interference into a subsequent petition is not called for.

Finding this petition to be not maintainable, for the reasons as are indicated hereinabove, the same is dismissed.

Certified copy as per rules.

(RAJENDRA MENON) JUDGE Aks/-

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