

Radhavallabh Vs. Rameshwardayal

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Court : Madhya Pradesh

Decided On : Oct-18-2012

Appellant : Radhavallabh

Respondent : Rameshwardayal

Advocate for Pet/Ap. : Shri. R.P.Khare

Judgement :

Writ Petition No.16120/12 18.10.2012 Shri R.P.Khare, learned counsel for the petitioners. He is heard on the question of admission.

The petitioner has filed this petition under Article 227 of the Constitution of India, for quashment of the order dated 7.5.2012 (Annexure- P-5) passed by Sub-Divisional Officer (Revenue) Bairasia, District Bhopal in revenue appeal No.78/Appeal/2010-11, affirming the order dated 15.7.2011 (Annexure-P-4) passed by Tahsildar in revenue case No.48/A-6/2010-2011 whereby, the name of the respondents no.1 to 3, had been directed to be mutated in the revenue record with respect of the disputed land.

Such order has been passed on the strength of some succession certificate issued by the Succession Court on dated 6.1.1983 (Annexure-P-3). In the course of arguments in view of provision of Section 44 of Madhya Pradesh Land Revenue Code in which the Second Appeal is provided against the order passed by the SDO in the first appeal of the revenue case so also in view of provision of

Sections 383 and 384 of Indian Succession Act, on making certain query from the petitioners counsel regarding maintainability of this petition on which, instead to argue further he seeks permission to withdraw this petition with liberty to file the Second Appeal before the Commissioner of Revenue Bhopal Division against the impugned order Annexure-P-5 so also to file the appropriate application before the competent Court for revocation of the aforesaid succession certificate (Annexure-P-3) or to file an appeal in this regard under Section 384 of Succession Act along with the appropriate application for condoning the delay in filing such proceedings.

Considering the aforesaid prayer, the petition is hereby dismissed as withdrawn and not pressed with all the liberties as prayed by the petitioners counsel.

Certified copy as per rules.

(U.C.Maheshwari) Judge Pb

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