

Tulsiram Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-25-2013

Appellant : Tulsiram

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Ravindra Parashar

Judgement :

1 W.P No.15815 of 2013 25.9.2013 Shri Ravindra Parashar, counsel for the petitioners. Smt Sheetal Dubey, GA for the respondent/State.

The petitioners stating themselves to be the Kotwars of respective villages have filed this petition under Article 226 of the Constitution of India for issuing the appropriate writ for the following reliefs :- (a) That, the Hon'ble Court may kindly be pleased to command the respondents to decide the petitioners claim/representations in the light of notifications dated 3/3/2010 (Annex.P/3) as has been directed in order Annex.P-4 passed in W.P.No.939/09.

(b) Any other relief which this Hon'ble Court deems fit and proper may also be given to the petitioners in the interest of justice.

2.

In the course of arguments on admission by referring the copy of IA No.13615/13 petitioners counsel said that he has filed this IA along with copy of the order dated

14.8.13 passed by Collector Narsingpur in Revenue Case No.107-B/121-12-13 whereby the application of some other Kotwar, namely, Shankarlal on the same issue, has been dismissed.

Reader is directed to call and place the aforesaid IA and document on record.

Although such document is not relevant with the present matter but in order to avoid any other technical difficulty, by allowing the IA, the annexed document is taken on record.

3.

In continuation, petitioners counsel said that respective representations of the petitioners Annexure P-5, to resolve the dispute raised in this petition, are still pending before the authorities of respondent No.2 Collector, Hoshangabad and made his limited prayer for appropriate direction to such authorities to consider and adjudicate such representations of the petitioners keeping in view the concerning provisions, rules, regulations, scheme and notifications promulgated by the State of Madhya 2 W.P No.15815 of 2013 Pradesh in accordance with the procedure prescribed under the law by speaking order within time bound schedule.

4.

Considering the aforesaid prayer, without expressing any opinion on merits of the matter, this petition is hereby disposed of with a direction to the authorities of respondent No.2 to consider and decide the above mentioned representations of the petitioners Annex.P-5, keeping in view the concerning provisions, rules, regulations, scheme and notifications promulgated by the State of Madhya Pradesh in accordance with the procedure prescribed under the law so also without influencing from any observations and findings given by the Collector, Hoshangabad in the case of Shankarlal vide dated 14.8.13, within sixty days from the date of filing the certified copy of this order along with the copy of the petition and annexures in its office by the petitioners. Petitioners counsel is directed to submit such papers in the office of respondent No.2 within 15 days from today.

C.C as per rules.

(U.C.Maheshwari) Judge MKL

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