

**Devendra Singh Vs. the Board of Revenue Gwalior Judgement Given By:
Hon'ble Shri Justice Rajendra Menon**

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Court : Madhya Pradesh

Decided On : Feb-21-2014

Appellant : Devendra Singh

**Respondent : The Board of Revenue Gwalior Judgement Given By: Hon'ble Shri
Justice Rajendra Menon**

Advocate for Pet/Ap. : Shri. Anand Chourasiya

Judgement :

- 1 -1 W.A.No.1019/2013 21/2/2014 : Shri Anand Chourasiya, learned counsel for the appellants.

This appeal has been filed under Section 2(1) of the M.P.Uchcha Nyayalaya (Khand Peeth Ko Appeal) Adhiniyam, 2005, challenging an order dated 12.9.2013 passed by the Writ Court in W.P.No.14878/2013.

The appellants herein Shri Devendra Singh and another had filed writ petition and in the writ petition challenge was made to an order Annexure P/6 dated 7.5.2013 passed by the Board of Revenue exercising the powers of revision and interfering with an order dated 10.3.2004 passed by the Naib Tahsildar, Ghubara in a Revenue Case directing for modification of entries made in the revenue record with regard to the disputed land in question.

Two grounds have been canvassed to challenge the order of the Board of Revenue.

The fiRs ground is that against the order passed by the Naib Tahsildar, a revision under Section 50 of the M.P. Land Revenue Code was not maintainable before the Board of Revenue exercising jurisdiction after an inordinate period of time.

Learned Single Judge has taken note of all these factors and found that while passing the order on 10.3.2004 the Naib Tahsildar has acted contrary to law.

It was found by :-2:- Board of Revenue that no statutory rules or regulations were followed, the revenue records were corrected behind the back of the person concerned, statutory provisions for issuing notice were not followed, no opportunity of hearing was given and finding total violation made in the matter of exercising jurisdiction by the Naib Tahsildar, the Board of Revenue interfered into the matter.

Learned Single Judge found that a patent illegality has been committed and if the Board has interfered, no mistake is committed as the Board of Revenue is the competent superior authority and can always correct apparent error committed by the subordinate revenue authorities.

Keeping in view the aforesaid, we are of the considered view that no interference is called for with the order passed by the learned Writ Court.

Appellants want interference on two grounds i.e. revision is not maintainable or the revision was beyond time.

But the fact remains that in correcting the revenue records certain procedure has been laid down as contemplated under the M.P. Land Revenue Code and if the Board of Revenue has rectified the mistake of any subordinate revenue authority, who had acted in violation of the rules or statutory provisions, no error has been committed warranting interference.

No error has been committed by the Writ Court in refusing to interfere into such a patent illegality which is corrected by the revenue Court.

-2 -:3:- In the facts and circumstances of the case, we are also not inclined to interfere into the matter for the simple reason that the Board of Revenue has interfered into the matter because the Naib Tahsildar has conducted his process in a manner contrary to the statutory provisions.

Accordingly, finding no ground to interfere, the appeal is dismissed.

(Rajendra Menon) (A.K.Sharma) Judge Judge mrs.mishra -3

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