

हब्योस-२ सचिवालय

विषय: W.P. No. १७५ / २०१५ ए० प्र० बासन विरुद्ध शुभम मा० मंत्री राजस्व
का विभाग
रियल इन्फ्रा प्रा० लि० बदनावर में पारित
निर्णय दिनांक ८.१२.२०१५ के विरुद्ध माग
उच्च न्या० में विरोध अनुमति मायिका
(SLP) प्रस्तुत करने की अनुमति वावत।

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पंजी क्र० ३०२८ दिनांक १०-१२-२०१५

P-1/1

कृपया विचाराधीन पत्र का अपलोडिंग
करें। कलेक्टर चार के उपर विषय के
संबंध में SLP दायर करने हेतु शासकीय
अधिपक्षता, उच्च न्यायालय अपील डायरी कर
अभिमत दिया गया है। SLP अनुमति हेतु
नसी विधि विभाग को अभिमत करने हेतु
प्रस्तुत है।

P-4 से 8/1

14.12.15

14/12

11.12.15

5846/15
14/12

अ. न. अ. स.
D.S. (28)

उपरा में उक्त अनुमोदन जारी है
तत्पश्चात् विधि विभाग को अनुमति
हेतु अभिमत किया जाएगा

PS SM

14/11/16

लम्बीस-२ सचिवालय

विषय: W.P. No. 925/14 म.प्र. शासन V/S शुभम शास्त्री राजस्व
रिजल इन्फ्रा डाटा बि. वादनापर में पारित का विभाग
निर्णय दिनांक 8.12.2014 के विरुद्ध मा.प्र.
उच्च न्यायालय में SLP की अनुमति वास्तव
में है:-

इस फल से

प्रशासकीय अनुमति

म.प्र. शासन


(रामपाल सिंह)
मंत्री
राजस्व एवं पुनर्वास
म.प्र. शासन

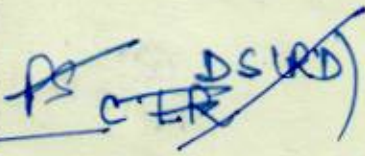
14/12/15
प्रमुख सचिव
म.प्र. शासन, राजस्व विभाग

नस्ती नं. 1129
आवक दि. 14-12-15
प्रक्रिया दि. 03-3-16

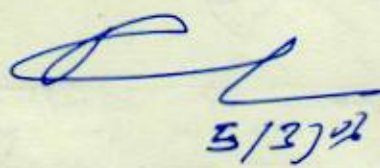
5846/DS(R)
5/3/2016
8/3/2016

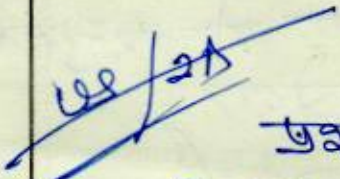
11.0.32/2016
5/3/2016

नस्ती 5846/प्र.स. / रा.मु.वि. / 201
आवक दिनांक 14-12-15
प्रक्रिया दिनांक 03-03-16

DS(R)


4/3

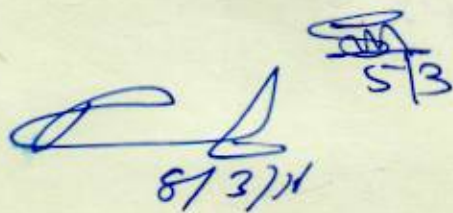

5/3/16

14/12


प्रशासकीय अनुमति हो चुका है,
जस्ती विधि विभाग को भेजित करना
चाहेंगे।

D.S.R.

विधि विभाग


5/3/16

7741
CR

FIXED AT INDORE

WP No. 975/2014

BEFORE THE HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE

SHUBHAM REAL INFRA PRIVATE LIMITED
JAWAHAR MARG, BADNAWAR, DISTRICT
DHAR, THROUGH AJAY KUMAR, S/O JAWARMALJI JAIN,
AGED 5 YEARS, R/O BADNAWAR, DISTT. DHAR.

PETITIONER

VERSUS

1. STATE OF MP THROUGH THE PRINCIPAL
SECRETARY, REVENUE DEPARTMENT,
VALLABH BHAWAN, BHOPAL.
2. THE COLLECTOR DISTRICT DHAR
COLLECTORATE, DHAR
3. THE SUB DIVISIONAL MAGISTRATE BADNAWAR,
SDM OFFICE, BADNAWAR, DISTRICT DHAR.
4. THE TEHSILDAR, BADNAWAR,
TEHSIL OFFICE BADNAWAR
DISTRICT DHAR
5. THE DEPUTY REGISTRAR, BADNAWAR,
REGISTRAR OFFICE BADNAWAR DISTRICT DHAR

RESPONDENTS

9-11-

ANNEXURE-C
HIGH COURT OF MADHYA PRADESH

CASE NO. OF 20
ORDER SHEET (CONTINUATION)

DATE & S.
NO. OF THE
ORDER

ORDER
1

W.P.No 975/2014

8/12/2014

Shri Vivek Dalal learned counsel for petitioner.

Ms. Vinita Phaye, learned counsel for respondents/State.

Heard finally with consent.

This writ petition has been filed by the petitioner challenging the orders dated 22/5/12 and 25/5/12 issued by respondents No. 2 & 3.

In brief, the case of petitioner is that 10.280 hectares of land in khasra Nos. 2596, 2597, 2598, 2626, 2627, 2628, 2629, 2630 and 2979/2120 as also the area of 2.745 hectares of land in khasra Nos. 2624 and 2625 was purchased by petitioner from Nandram Jawaharlal and Company Ginning Factory as also Nandram Jawaharlal Cotton Pressing Factory vide registered sale deeds dated 30/9/2010 and 31/8/2010 respectively. The name of petitioner was mutated and petitioner had also got the land diverted and has obtained sanction of Town and Country Planning Department and permission for development of colony was also obtained. In the enquiry reports dated 24/4/12 and 27/6/12 conducted by SDO, the petitioner was held to be the title holder of the land in question. After the earlier round of litigation in writ petition No. 9164/12, the fresh enquiry reports were submitted. The grievance of petitioner is that by the impugned orders dated 22/5/12 passed by respondent No. 2 and 25/5/12 passed by respondent No. 3 petitioner has been restrained from

ANNEXURE-C
HIGH COURT OF MADHYA PRADESH

CASE NO. OF 20
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NO. OF THE
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ORDER
2

alienating or transferring the land in question on the ground that there is a compliant pending before the Lokayukt in respect of these land involving issue of title.

Learned counsel for petitioner submits that petitioner has clear title on the land and therefore, in terms of the judgment of this court as well as the Supreme court petitioner cannot be restrained from alienating the land in question. He has further submitted that now even the complaint before the Lokayukt has been rejected.

As against this, counsel for respondents/State has opposed the writ petition.

I have heard the learned counsel for the parties and perused the record.

The impugned orders dated 22/5/12 and 25/5/12 reflect that petitioner has been restrained from dealing and alienating the land in question on the ground that complaint in respect of these land is pending before the Lokayukt. The petitioner alongwith the A No. 6381/2014 has filed the documents received under Right to Information Act as Annexures P-13 & P-14 reflecting that the complaint which was filed in respect of land in question before the Lokayukt has been closed by order dated 30th April, 2012 and no such complaint is now pending.

Counsel for State has not disputed this aspect of the matter.

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ANNEXURE-C

HIGH COURT OF MADHYA PRADESH

CASE NO. OF 20
ORDER SHEET (CONTINUATION)

DATE & S.
NO. OF THE
ORDER

ORDER,
3

Even otherwise, this court in the matter of **Sarvajanik Jan Kalyan Parmarthik Nyas Vs. State of MP and others**, reported in **2008(1) MPLJ 537** has held that the Sub Registrar has no authority to refuse to register a document on the ground that vendor/transferor has no title to the property in question and is not competent to execute the sale deed. The Supreme court also in the matter of **State of Madhya Pradesh and others Vs. Pooran Singh Narwaria**, vide order dated 7th July 2014 in **Civil Appeal Nos. 6234-6235 of 2014** has held that there is clear mandate contained in the Madhya Pradesh Registration Rules, 1939 indicating the specific grounds where the concerned authority is empowered to refuse registration.

Counsel for respondents has failed to point out that petitioner's case falls in any of the clauses of Rule 35 of Rules, 1939.

Keeping in view the aforesaid aspect of the matter, ~~the impugned orders~~ dated 22/5/12 and 25/5/12 are set aside. The respondents are directed to act in accordance with law. It is made clear that this court has not expressed any opinion on the title of any of the party in the matter.

The writ petition is accordingly disposed of.
C.c. as per rules.

CERTIFIED COPY

(Prakash Shrivastava)
Judge

High Court of Madhya Pradesh
Indore Bench Indore.