

1
THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

Gwalior, Dated : 29.08.2019

Shri M.P.S. Raghuvanshi, Counsel for the petitioner.

Shri Purshottam Rai, Panel Lawyer for the State.

Shri A.K. Nirankari, Counsel for respondent no.3.

Heard finally.

This petition under Article 226 of the Constitution of India has been filed challenging the order No. 46/2019 dated 22-7-2019 passed by Inspector General of Registration, thereby transferring the petitioner from Dabra to the office of Deputy Registrar, Porsa Distt. Morena.

2. The sole ground of challenge is that the impugned transfer order has been passed out of *malafides* on the complaint of the respondent no.3.

3. It is submitted by the Counsel for the petitioner, that the petitioner is posted in the office of Dy. Registrar, Dabra, Distt. Gwalior from 05/2017. It is submitted that the respondent no. 3 is a service provider, to whom license has been granted by the Department for drafting documents and also for multipurpose works in providing service. The respondent no.3 had got a sale deed registered in respect of a land on which mine is being operated and crusher is also in operation. However, the said land was shown to be an agricultural land. The said fraud was detected and thereafter the

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

matter has been forwarded for recovery of deficit Stamp Duty. In another matter, the respondent no. 3 got a sale deed executed in respect of a land on which a building is situated but the property was shown to be a vacant plot. An enquiry was done and the matter was forwarded for lodging F.I.R. against the respondent no.3, however, more than one year has passed, no F.I.R. has been lodged. Thus, the respondent no.3 was annoyed with the petitioner. Therefore, he started making complaints to the higher authorities. The complaint dated 10-7-2019 and complaint dated 20-6-2019 have been annexed as Annexure P/5. It is submitted that under the pressure of the respondent no. 3, who claims himself to be the Regional General Secretary of M.P. Congress Committee Jhuggi Jhopadi Prakoshtha, Bhopal, the respondent no.2 has issued the impugned order dated 22-7-2019.

4. The respondents no. 1 and 2 filed their return and denied the allegations of *malafides*. It is submitted that on 11-7-2019, one of the service provider lodged a F.I.R. against the petitioner, and consequently, on 12-11-2017, all the service providers working in the Tahsil Dabra, Distt. Gwalior, made a complaint against the petitioner, alleging misconduct. Protests were also made in the office of Sub-Registrar, Department of Stamp and Registration. Therefore, considering the law and order situation as well as in administrative

3
THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

exigency, the petitioner, has been transferred from Dabra to Porsa, Distt. Morena after taking approval of the Minister-In-Charge of the Department. A copy of the note sheet dated 15-7-2015, written by Inspector General of Registration, has also been annexed along with the return.

5. The respondent no.3 has also filed his return separately. It is mentioned that various complaints were made against the petitioner, alleging corruption and misbehaviour of the petitioner. The Courts have limited jurisdiction to interfere in the order of the Transfer. Court can interfere in case of violation mandatory statutory rule or action is capricious, malicious, cavalier and fanciful. The petitioner used to demand illegal gratification for registration of documents, therefore, the entire service providers had carried out peaceful protest in front of the office of Sub-Registrar and during the said protest, the petitioner had used abusive language and therefore, the police has registered Crime No. 406/2019 for offence under Section 294,506B/34 of I.P.C. at Police Station Dabra. In para 5.6 of the return, the respondent no. 3 has admitted the complaint dated 10-7-2019 was made against the petitioner. Further, the respondent no.3 has also filed copies of some more complaints made against the Sub-Registrar and the petitioner.

6. The petitioner has filed rejoinder to the return filed by the

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

respondents no.1 and 2/State. Along with the rejoinder, the petitioner has filed a copy of the enquiry report dated 3-8-2019 given by Senior District Registrar, Distt. Gwalior, by which the petitioner has been exonerated of all the charges/allegations made in complaint dated 10-7-2019.

7. It is submitted by the Counsel for the petitioner, that in complaint dated 10-7-2019, no allegation of corruption was leveled against the petitioner. It is only mentioned that certain advisories have been issued to the Service Providers, which are causing inconvenience to them and the behavior of the petitioner is not good. As per the enquiry report dated 3-8-2019, it has been held that there is no proof to show that any advisory was issued by Sub-Registrar. Further, none of the allegations made in the complaint dated 10-7-2019 have been found to be proved, only the contrary, the so called advisories allegedly issued by the Sub-Registrar were found to be in accordance with law. It is submitted that in fact, the service providers are not working in accordance with law and are causing financial loss to the State Govt, therefore, they started protesting and under the instructions of the Minister, the petitioner has been transferred, and thus, it is a glaring case of *malafide*.

8. *Per contra*, it is submitted by the Counsel for the respondents no.1 and 2 that it is a case of *Dharamyudha* where the misdeeds of

5
THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

the petitioner were exposed by the service providers and therefore, the State has rightly transferred the petitioner. Thereafter, it was further submitted that the petitioner has not been transferred on the complaints of the service providers, but since, he was wrongly posted in Gwalior as Gwalior is his Home Town, therefore, he has been transferred out of his home town. Thus, self contradictory submissions were made by the Counsel for the State.

9. The Counsel for the State was informed that he is arguing contrary to the return filed by the State and he should not use the words like *Dharamyudha*. However, the Counsel for the respondents no.1 and 2 persisted with his arguments, that in fact the petitioner was not transferred because of any complaint but he was transferred, because he was wrongly posted in Distt. Gwalior. It is further submitted by the Counsel for the State that although the note sheet dated 15-7 -2019 written by the respondent no. 2 has a reference to the recommendation made by Minister, Women and Child Welfare Department, Madhya Pradesh, for transfer of the petitioner with immediate effect, but the real cause of transfer was that he was wrongly posted in District Gwalior. When the Counsel for the respondents no.1 and 2 was directed to point out from the return of the respondents no. 1 and 2 that the petitioner was not transferred because of complaints, then he fairly conceded that the

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

only stand which the State has taken in the return is that the petitioner was transferred for maintenance of law and order which had arisen because of complaints.

10. It is submitted by the Counsel for the respondent no.3 that since, there were serious complaints of corruption against the petitioner, therefore, there was an agitation against him, and a F.I.R. was also lodged against the petitioner for offence under Section 294,506B/34 of I.P.C., therefore, he has been rightly transferred. It is further submitted that the respondent no. 3 had also filed a writ petition no. 16742/2019 for taking action against the petitioner.

11. Heard the learned Counsel for the parties.

12. Although the respondent no.3 has made allegations of corruption against the petitioner, but the Counsel for the petitioner, could not point out any single allegation of corruption in any complaint made by him. In complaint dated 9-7-2019 (Annexure R-3/1), similar allegations which were made in complaint dated 10-7-2019 (Annexure P/5) have been made. Similarly in other complaints, it is mentioned that pressure is being applied for payment of illegal gratification, however, no specific incident of accepting illegal gratification has been pointed out. No complaint to the vigilance department like S.P.E. (Lokayukt) or E.O.W. with regard to acceptance of illegal gratification or demand of illegal gratification

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

was ever made. No trap was ever laid against the petitioner. Thus, the allegation of corruption is held to be an after thought and baseless and made to malign the image of the petitioner.

13. The petitioner has filed copies of two complaints as Annexure P/5. The complaint dated 20-6-2019 made by the respondent no.3 is against the Sub-Registrar, Dabra, and there is not a single whisper against the petitioner. However, the complaint dated 10-7-2019 is jointly against the Sub-Registrar and the petitioner, which reads as under :

श्रीमान् जिला पंजीयक महोदय,
जिला ग्वालियर (म.प्र.)

विषय :- उप पंजीयक डबरा द्वारा विक्रय पत्र पंजीयन न करने के संबंध में।
महोदय,

उपरोक्त विषय में निवेदन है कि उप पंजीयक श्री प्रशान्त साहू एवं वरिष्ठ पंजीयन लिपिक श्री मानपाल सिंह रावत द्वारा हम समस्त सेवा प्रदाताओं को निर्देशित किया गया है कि आप निम्नलिखित दस्तावेजों के पंजीयन हेतु स्लॉट आरक्षित नहीं करेंगे :-

1. यह कि, जिन रजिस्ट्रियों में ऑफिस(रजिस्ट्रार प्रशान्त साहू एवं बाबू मानपाल सिंह रावत) के निजी स्वार्थ की पूर्ति न हो ऐसी के स्लॉट आरक्षित न करें।
2. यह कि, जिन कृषि भूमि एवं भूखण्ड में एक से अधिक सहभागीदार है तो कोई भी एक सहभागीदार बिना दूसरे सहभागीदार के सहमति के अपने हिस्से का विक्रय पत्र संपादन नहीं कर सकता और ऐसे भूमि, प्लॉट एवं भवन का स्लॉट आरक्षित न करें।
3. यह कि, बिना बटवारा एवं बटांकन कोई भी कृषि भूमि, भवन एवं भूखण्ड का विक्रय पत्र हेतु स्लॉट आरक्षित न करें।
4. यह कि, भूखण्ड एवं भवन के विक्रय पत्र हेतु कम्प्यूटरीकृत खसरा प्रमाणित होने के बावजूद भी तहसीलदार से प्रमाणित भू-अधिकार एवं ऋण पुस्तिका के बिना कोई भी विक्रय पत्र का स्लॉट आरक्षित न करें।
5. यह कि, नगर पालिका में स्थित भूमि एवं भवनों की संपत्तिकर की रसीद एवं नामांतरण प्रमाण पत्र होने के बावजूद वर्तमान सी.एम.ओ. की एन.ओ.सी. के बिना कोई भी स्लॉट आरक्षित न करें।
6. यह कि, एक भूखण्ड के विक्रय पत्र के बाद उक्त विक्रीत भूखण्ड का जब तक नामांतरण न हो जाये तथा कम्प्यूटर अभिलेख में दर्ज न हो जाये तथा उसका बटांकन न हो जाये तब तक दूसरे भूखण्ड के विक्रय पत्र का स्लॉट आरक्षित न करें।
7. यह कि, नगर पालिका डबरा सीमा से बाहर ग्राम पंचायत एवं ग्राम आबादी के भवनों एवं भूखण्डों के विक्रय पत्र हेतु स्लॉट आरक्षित न किये जायें, जबकि उसमें ग्राम पंचायत सचिव एवं सरपंच का प्रमाणीकरण हो।

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

8. यह कि, उप पंजीयक कार्यालय में सेवा प्रदाताओं के साथ अभद्र व्यवहार किया जाता है।

9. यह कि, उक्त समस्त कारणों से हम सेवा प्रदाता अत्याधिक दुखी है और हमारा कार्य प्रभावित हो रहा है, तथा शासन को राजस्व का नुकसान हो रहा है तथा जिन कारणों से स्लॉट आरक्षित हेतु मना किया जा रहा है, वह समस्त कारण निराधार है।

अतः निवेदन है कि 5 दिवस के अन्दर उक्त समस्त समस्याओं का समाधान करावें अन्यथा हम सभी सेवाप्रदाता उक्त निर्देशों का पालन करने में असमर्थ रहेंगे तथा कार्य नहीं कर पायेंगे। हम कार्य न करने की स्थिति में शासन को जो राजस्व की हानि होगी उसकी समस्त जबाबदारी उप पंजीयक डबरा एवं श्रीमान् की होगी।

दिनांक

प्रार्थीगण

1. महाराज सिंह राजौरिया(अध्यक्ष)
2. हृदेश कुमार गुप्ता
3. गजेन्द्र सिंह राजौरिया
4. अभय कुमार जैन
5. संतोष दुबे
6. विजेन्द्र जैन
7. दीप्ती शर्मा
8. मोहन कुमार दुबे
9. अंकित अग्रवाल
10. अंकित गुप्ता
11. सचिन सिंह बंजारा
12. सतीश साहू
13. बीरेन्द्र शर्मा
14. प्रकाश रजक
15. मुकेश कुमार मुदगल
16. शुभम जैन
17. विवेक गौतम
18. अजय परिहार
19. राजेन्द्र विश्वकर्मा
20. अर्चना मुदगल
21. प्रकाश वर्मा
22. नीतेश शर्मा
23. विकास पाराशर
24. मायाराम कुशवाह
25. बृजमोहन श्रीवास्तव
26. शैलेन्द्र सूर्यवंशी
27. प्रमोद गुप्ता
28. श्रीमती पूजा शिवहरे
29. दिनेश राठौड़
30. श्रीमती चन्द्रेश सिंह

प्रतिलिपि:—

1. माननीय श्रीमती ईमरती देवी सुमन, बाल विकास मंत्री, भोपाल
2. माननीय प्रमुख सचिव महोदय, राजस्व एवं वाणिज्यकर भोपाल
3. श्रीमान् महानिरीक्षक पंजीयन एवं अधीक्षण मुद्रांक भोपाल
4. श्रीमान् उप महानिरीक्षक पंजीयन एवं अधीक्षण मुद्रांक ग्वालियर

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

14. The respondents have not denied that the above mentioned complaint was not made by the service providers led by the respondent no.3, thus it is clear that the allegations made in the complaint dated 10-7-2019 were the cause of agitation by service providers including the respondent no.3.

15. The Counsel for the respondents no.1 and 2 was directed to go through the complaint dated 10-7-2019 and to point out any allegation, which may amount to misconduct or corruption. After taking much time, the Counsel for the respondents no. 1 and 2 could not point out even a single allegation(s) made in complaint dated 10-7-2019, which may amount to misconduct or corruption.

16. Similarly, the Counsel for the respondent no.3 was directed to point out any allegation in the complaint dated 10-7-2019, which may amount to misconduct or corruption. After going through the complaint dated 10-7-2019, the Counsel for the respondent no.3 also could not point out any allegation which may amount to misconduct or corruption.

17. Further, the petitioner, along with his rejoinder has filed the copy of the enquiry report dated 3-8-2019 given by Senior Registrar, Distt. Gwalior in which clean chit has been given to the petitioner. On the contrary, the alleged advisories issued by the Sub-Registrar as contained in complaint dated 10-7-2019 have been found to be in

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

accordance with law. The Senior Registrar, Gwalior has also given a finding that no evidence has been filed to show that any such advisory alleged by the complainant (s) was ever issued. The enquiry report dated 3-8-2019 reads as under :

जांच प्रतिवेदन दिनांक 03 अगस्त 2019

विषय :- उप पंजीयक डबरा द्वारा विक्रयपत्र पंजीयन न करने के संबंध में

शिकायत श्री महाराज सिंह राजौरिया एवं अन्य 29-सेवा प्रदातागण डबरा के हस्ताक्षर हैं। उक्त आवेदनपत्र श्रीमान के द्वारा अधोहस्ताक्षर को स्थानान्तरित की गई है। साथ ही शिकायकर्ताओं के द्वारा प्रतिलिपि 1. माननीय श्रीमती ईमरतीदेवी सुमन, केबीनेट मंत्री, महिला बाल विकास विभाग मध्यप्रदेश शासन भोपाल 2. माननीय प्रमुख सचिव महोदय, राजस्व एवं वाणिज्यिक कर भोपाल 3. महानिरीक्षक पंजीयन एवं अधीक्षक मुद्रांक मध्यप्रदेश भोपाल 4. उप महानिरीक्षक पंजीयन प्रक्षेत्र ग्वालियर एवं कलेक्टर महोदय ग्वालियर को दी गई है।

शिकायकर्ताओं के द्वारा जो शिकायत प्रस्तुत की गई है उसके संबंध में उनके द्वारा ऐसा कोई दस्तावेज/साक्ष्य प्रस्तुत नहीं किया है जिससे यह प्रमाणित नहीं होता है कि उक्त संबंध में उप पंजीयक श्री प्रशांत साहू एवं पंजीयन लिपिक श्री मानपाल सिंह रावत द्वारा कोई निर्देश दिये हैं। सेवा प्रदाताओं का कार्य दस्तावेज के लिखने एवं स्लॉट बुक तक सीमित रहता है न कि दस्तावेज का पंजीयन कराने का। पंजीयन अधिकारी एवं सेवा प्रदाताओं को विभाग एवं जिले के कलेक्टर द्वारा समय-समय पर जो निर्देश या सूचनायें जारी की जाती है उससे अद्यतन रहना होता है। फिर भी शिकायत में दिये गये बिन्दुओं पर बैधानिक तथ्यात्मक प्रतिवेदन निम्नानुसार है :-

बिन्दु क्रमांक 01:-

बिन्दु क्रमांक 01 में आरोप लगाया गया है कि उप पंजीयक श्री प्रशांत साहू एवं लिपिक श्री मानपाल सिंह के द्वारा स्वार्थपूर्ति न हो ऐसे स्लॉट आरक्षित न करें। उक्त लगाया गया आरोप के संबंध में मध्यप्रदेश स्टाम्प नियम 1942 में संशोधन दिनांक 01.11.2014 की अधिसूचना से सेवा प्रदाता के कार्य को दर्शाया गया है। उक्तानुसार ई-पंजीयन विलेख हेतु स्लॉट बुक कार्य सेवा प्रदाता हेंड से होता है न कि उप पंजीयक के हेंड से अर्थात् बिन्दु क्रमांक 1 का आरोप सिद्ध होना नहीं पाया गया।

बिन्दु क्रमांक 02 :-

बिन्दु क्रमांक 2 में आरोप लगाया गया है कि सह खातेदार की संपत्ति का बिना सहमति के दस्तावेज के पंजीयन का स्लॉट बुक न करें। नियमानुसार ई-पंजीयन विलेख हेतु स्लॉट बुक का कार्य सेवा प्रदाता हेंड से होता है न कि उप पंजीयक के हेंड से होता है। सेवाप्रदाता नियम एवं लायसेंस की शर्तों के तहत सेवा प्रदाता को नियम एवं लायसेंस की शर्तों का पालन करना अनिवार्य है। अर्थात् बिन्दु क्रमांक 2 का आरोप सिद्ध

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

होना नहीं पाया गया।

बिन्दु क्रमांक 03 :-

बिन्दु क्रमांक 3 में आरोप लगाया गया है कि बिना बटवारा, एवं बटाकन के कृषि भूमि भवन/भूखंड का स्लॉट बुक न करें। नियमानुसार ई: पंजीयन विलेख हेतु स्लॉट बुक का कार्य सेवा प्रदाता हैंड से होता है न कि उप पंजीयक के हैंड से अर्थात् **बिन्दु क्रमांक 3 का आरोप सिद्ध होना नहीं पाया गया।**

बिन्दु क्रमांक 04:-

पंजीयन नियम -19(ण) के अनुसार, कृषि भूमि से संबंधित रजिस्ट्रीकरण अधिनियम 1908 की धारा- 17 की उप धारा (1) के खंड (क) से (ड) के उपबंधों के अधीन रजिस्ट्रीकरण के लिये अपेक्षित कोई दस्तावेज, राजस्व विभाग के द्वारा इस संबंध में प्राधिकृत किसी राजस्व अधिकारी द्वारा प्रमाणित पांचशाला खसरा की प्रति सहित प्रस्तुत किया जाना आवश्यक है। भू-अधिकार ऋण पुस्तिका एवं प्रमाणित खसरा प्रस्तुत करना आवश्यक है। अर्थात् **बिन्दु क्रमांक 4 का आरोप सिद्ध होना नहीं पाया गया।**

बिन्दु क्रमांक 05:-

दस्तावेज में वर्णित संपत्ति शासकीय तो नहीं है इस हेतु नजूल की एन0 ओ0 सी0 एवं वार्ड निरीक्षक को गवाह बनाने हेतु निर्देशित किया गया है। **बिन्दु क्रमांक 5 का आरोप सिद्ध होना नहीं पाया गया।**

बिन्दु क्रमांक 06:-

विक्रय की जा रही संपत्ति (क्षेत्रफल) का समाधान करने के उद्देश्य से अद्यतन प्रमाणित खसरा राजस्व अभिलेख में दर्ज कराने हेतु निर्देशित किया गया है। स्लॉट बुक का कार्य सेवा प्रदाता हैंड से होता है न कि उप पंजीयक के हैंड से अर्थात् **बिन्दु क्रमांक 6 का आरोप सिद्ध होना नहीं पाया गया।**

बिन्दु क्रमांक 07:-

दस्तावेज में वर्णित संपत्ति शासकीय तो नहीं है इस हेतु नजूल की एन0 ओ0 सी0 एवं ग्राम सचिव को गवाह बनाने हेतु निर्देशित किया गया है। संपत्ति अन्तरण अधिनियम की धारा -55 में विक्रेता एवं क्रेता के दायित्व की परिभाषा दी गई है जिसके अनुसार विक्रय संपत्ति की पूर्णरूप से छानबीन कर पाकसाफ हो इसके लिये उन्ही को अधिकार दिया गया है अर्थात् **बिन्दु क्रमांक 7 का आरोप सिद्ध होना नहीं पाया गया।**

बिन्दु क्रमांक 08:-

बिन्दु क्रमांक-8 में अभद्र व्यवहार का आरोप लगाया गया है इस संबंध में उप पंजीयक के द्वारा बताया गया कि सेवा प्रदाताओं से पहिचानपत्र साथ में लाने, एवं पंजीयन प्रक्रिया में अनुचित व्यवधान न डालने, दस्तावेज में संपत्ति का सत्यता पूर्वक सही- सही विवरण अंकित करने की समझाइस, संपत्ति का स्थल निरीक्षण एवं सेवा प्रदाता नियमों के तहत शुल्क की तालिका लगाई जाने के निर्देशों को वह अभद्र व्यवहार मानते हैं। वरिष्ठ अधिकारियों के द्वारा नियमों का पालन हेतु निर्देशित करना अभद्र व्यवहार की श्रेणी में नहीं आता है। **बिन्दु क्रमांक 8 का आरोप सिद्ध होना नहीं पाया गया।**

बिन्दु क्रमांक 09 :-

राजस्व क्षति का आरोप असत्य है। कार्यालय उप पंजीयक डबरा में वर्ष 2017-18 के अपेक्षा वर्ष 2018-2019 में आय वृद्धि हुई है। **बिन्दु**

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

कमांक 9 का आरोप सिद्ध होना नहीं पाया गया।

वर्तमान में श्री प्रशांत साहू उप पंजीयन/श्री मानपाल सिंह रावत पंजीयन लिपिक को कार्यालय जिला पंजीयक में अटैच कर लिया गया है। श्री मानपाल सिंह रावत पंजीयन लिपिक का स्थानान्तरण महानिरीक्षक पंजीयन, मध्यप्रदेश भोपाल के आदेश कमांक 46/स्था0सेवा/2019 दिनांक 22.7.2019 से डबरा से पोरसा जिला मुरैना किया गया था, जिसके विरुद्ध श्री मानपाल सिंह रावत पंजीयन लिपिक के द्वारा माननीय उच्च न्यायालय खंडपीठ ग्वालियर में WP NO.15020-2019 प्रस्तुत की गई है जिसमें माननीय उच्च न्यायालय के द्वारा आदेश दिनांक 29.7.2019 द्वारा यथास्थिति रखने के आदेश दिये गये हैं।

आवेदनपत्र में अंकित बिन्दु कमांक 01 लगायत 09 सिद्ध होना नहीं पाये गये। शिकायत नस्तीबद्ध की जाना उचित है।

वरिष्ठ जिला पंजीयक
जिला ग्वालियर (म0प्र0)''

18. The respondents no.1 and 2 have filed a copy of the F.I.R. dated 11-7-2019 lodged by one Rahul Jain, one of the Service Provider, according to which, on 9-7-2019, the service providers were protesting in front of the office of Sub-Registrar, Dabra, then the petitioner and the Sub-Registrar had used abusive language and had also threatened.

19. If the protest which was being done by the service providers on 9-7-2019 is considered in the light of the allegations made in complaint dated 9-7-2019 and 10-7-2019, then it is clear that the service providers were not ready to accept the so called alleged advisories. Even otherwise, the Senior Registrar, Gwalior had found that the alleged advisories are also not contrary to law and were not issued by Sub-Registrar. Further, when the Counsel for the respondent no.3 was asked as to why, no allegation of threat extended

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

by the petitioner on 9-7-2019 has been mentioned in the complaint dated 10-7-2019, then he could not give any explanation. However, the Counsel for the respondents no.1 and 2 submitted that the service providers might have forgotten to mention the incident of 9-7-2019, in their complaint dated 10-7-2019. The submission made by the Counsel for the respondents no. 1 and 2 cannot be accepted. Thus, it is clear that the petitioner has been transferred due to the pressure mounted by the Service Providers including the respondent no.3. Since, the Senior Registrar, Distt. Gwalior, has given its report dated 3-8-2019, which has not been denied by the respondents, therefore, it is clear that the pressure mounted by the service providers was for illegal demands. Further, it is clear from the note sheet dated 15-7-2019, written by respondent no.2, that the Minister, Women and Child Welfare Department, Bhopal, had directed the respondent no.2 to issue the transfer order immediately on the same day.

20. The Supreme Court in the case of **Arvind Dattatraya Dhande v. State of Maharashtra**, reported in (1997) 6 SCC 169 has held as under :

“5. On 28-12-1994, the appellant conducted a raid on Mr Rathod at Dharayan Tal, Erandol Amalner Tal, Amalner. Sample was taken from the toddy for analysis on the even date; consequently, offences were registered on 29-12-1994, on the basis of the Analysis Report received on 25-8-1995. It revealed that that toddy

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

was adulterated. Therein, it was clearly stated that it contained chloral hydrate, a very harmful and poisonous substance which could endanger the lives of the consumers. The appellant asked for permission of the competent authorities to prosecute the licensee and also for cancellation of the licence. By his proceedings of even date, i.e., 25-8-1995, permission was granted. As a counterblast to sincere and legal action taken by the appellant against Mr Narayana Goud, the toddy contractor, the latter lodged his complaint against the appellant on 30-8-1995 and the Minister for District (designated as Guaradia Minister) repeated the complaint to the Minister for State Excise on the basis of the contractor's complaint on 28-9-1995. This is the lynching point where the officer was alleged to be wanting in duty. It would be obvious that based upon this complaint given by the Guaradia Minister to the Minister for State Excise, triggered another complaint by one Shewala, President of the Country Liquor Association on 7-10-1995. Pursuant to the permission for cancellation of the licence, the licence came to be cancelled on 24-9-1996. On the basis of these complaints, the action appears to have been initiated as per the proceedings dated 18-11-1995. Action was taken against the appellant and ultimately he came to be transferred. It is seen that the officer supposed to review the performance of the duties of the officers on 7-7-1995, i.e., Deputy Commissioner, Excise had reviewed and stated that from 25-3-1995 to 25-5-1995 he collected articles worth Rs 34,996.00, Rs 1,91,853.00 and Rs 1,80,143.00 in three months. In his commendation he has stated that "after considering the abovesaid particulars, except Mr A.D. Dhande, Inspector Flying Squad, Jalgaon" not a single officer had fulfilled the required quota. "Please congratulate Mr Dhande on my behalf for his excellent work and for having fulfilled his target." It was signed by S.A. Patil, Deputy Commissioner, Excise.

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

6. In view of the unimpeachable and eloquent testimony of the performance of the duties, it will be obvious that the transfer is not in public interest but is a case of victimisation of an honest officer at the behest of the aggrieved complainants carrying on the business in liquor and toddy. Under these circumstances, as stated earlier, the transfer of the appellant is nothing but mala fide exercise of the power to demoralise honest officers who would efficiently discharge the duties of public office.

7. The appeal is, accordingly, allowed. The transfer order of the appellant stands quashed. Order may be communicated to the Chief Secretary to take appropriate action against the persons responsible for it and the action taken may be informed to this Registry.

(Underline applied)”

21. Thus, from the facts of the case, it is clear that the State has punished an officer, against whom the allegations were made by the respondent no.3 and other service providers, that certain advisories which are inconvenient to them have been issued, and the Senior Registrar, Distt. Gwalior, has found that although there is no evidence to the effect that any advisory/instructions were ever issued, but even otherwise, the said alleged advisories are in accordance with law and the allegations are baseless.

22. Further, the respondent no.3 had also filed another writ petition before this Court, which was registered as W.P. No. 16742 of 2019, which has been dismissed by this Court by passing the following order :

**THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others**

“28-8-2019

This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs :-

7.1) The respondents may kindly be directed to take appropriate and suitable action on the application of the petitioner Annexure P1 in order to ensure the personal life and liberty of the petitioners.

2) The respondents may also kindly be directed to ensure that no one can restrain the petitioners from discharging their duties as Service Provider in the Office of Sub-Registrar Dabra District Gwalior MP

3) Any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case may also kindly be granted.

The petition which has been filed, is completely vague. Vague and bald allegations have been made.

It is fairly conceded by the Counsel for the petitioner that no instance has been pointed out to show that the petitioners were restrained from working as Service Provider in the premises of the Office of Sub-Registrar, Dabra, Distt. Gwalior. It is further submitted by the Counsel for the petitioners that although the respondent no.4 was transferred but this Court has stayed the effect and operation of the transfer order and therefore, the respondent no.4 is still working in the Office of Sub-Registrar, Dabra, Distt. Gwalior.

Thus, it appears taht because of some personal grievances, an attempt is being made to make vague allegations. The extraordinary jurisdiction of this Court under Article 226 of the Constitution of India cannot be exercised for the settlement of personal grudge. Accordingly, this Court is of the considered opinion that in view of vague allegations, no case is made out warranting interference.

Petition fails and is hereby **Dismissed.**”

THE HIGH COURT OF MADHYA PRADESH
Writ Petition No.15020/2019
Manpal Rawat Vs. State of M.P. and others

23. Thus, considering the totality of the facts and circumstances of the case, this Court is of the considered opinion, that the impugned order of transfer dated 22-7-2019 is nothing but *malafide exercise of powers* because of illegal pressure mounted by the respondent no.3 and other service providers, and the respondent no.2 has also issued the impugned order, without verifying the correct facts.

24. Thus, the impugned order dated 22-7-2019 (Annexure P/1) issued by Inspector General of Registration, State of M.P., Bhopal is **quashed**. In the light of the interim order dated 29-7-2019, the petitioner is still working on his original post at Dabra, Distt. Gwalior. He shall continue to work on the said post.

25. Order be communicated to the Chief Secretary to take appropriate action against the persons responsible for it within a period of 2 months and the action taken be informed to the Registry of this Court.

26. Petition succeeds and is hereby **Allowed** with cost of Rs.20,000/- to be paid to the petitioner within a period of 1 month from today. The cost shall be paid by the respondent no.3. The respondent is directed to file the receipt of payment of cost within a period of one month from today.

Arun*

(G.S. Ahluwalia)
Judge