



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 28th OF APRIL, 2025

WRIT PETITION No. 17084 of 2024

SMT MALA SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri S.K. Sharma – Advocate for petitioner.

Shri Jitesh Sharma – Government Advocate for respondent/State.

ORDER

This petition, under Article 226 of the Constitution of India, has been filed against the order dated 25/6/2024 passed by respondent No.3 in Case No 6192/2ख./स्था./2024, by which petitioner has been attached to Tahsil office, Gohad.

2. It is the stand of petitioner that as per Clause 52 of the transfer policy, order of attachment should not be passed. It is further submitted that as per order dated 25/7/2023, petitioner was transferred from Morena to Bhind as Incharge Tahsildar, and by order dated 13/6/2024, she was transferred from Mau to Dehgaon, District Bhind. Now, by order dated 25/6/2024, she has been attached to the Tahsil office, Gohad.

3. *Per contra*, petition is vehemently opposed by counsel for the State. It is submitted by counsel for the State that petitioner, who was working as Tahsildar,



was involved in illegally converting government land into private land, and accordingly, Collector Bhind by order dated 11/7/2024 passed in Case No. 19/Revision/2024-25, not only set aside the order dated 11/5/2024 passed in Case No.9/B-121/2024-25 but also directed for registration of FIR. The said order was challenged by petitioner by filing WP.No.21724 of 2024. Notices were issued on 7/8/2024. However, petitioner also filed an appeal under Section 44(2) of the M.P. Land Revenue Code before the Court of Additional Commissioner, Chambal Division, Morena, which was registered as Case No.177/Appeal/2024-25, and without disclosing the fact that this Court had not passed any interim order, petitioner obtained an interim order dated 20/8/2024 from the Court of Additional Commissioner, Chambal Division, Morena in Case No. 177/Appeal/2024-25. It is submitted that not only was petitioner involved in illegally converting *Charnoi* land into private land but also played fraud on the Court. This Court, by a separate order passed today in WP No.21724 of 2024, has not only stayed the proceedings in Case No. 177/Appeal/2024-25 pending in the Court of Additional Commissioner, Chambal Division, Morena, but also quashed the interim order dated 20/8/2024 passed by Additional Commissioner, Chambal Division, Morena in Appeal No. 177/Appeal/2024-25. It is submitted that since petitioner is involved in illegally converting government land into private land, therefore, she has been attached to the Tahsil office, Gohad. Furthermore, it is submitted that the transfer policy is not enforceable by law; therefore, petitioner cannot seek protection under Clause 52 of the transfer policy.

4. Heard learned counsel for the parties.

5. Collector Bhind, by order dated 11/7/2024, had found that petitioner was involved in illegally converting government land into private land and accordingly had directed for registration of FIR against petitioner. It was also found that petitioner had misused her position by pressurizing the Patwari to act



contrary to law. That was not the end of the misdeeds of petitioner. Against the order dated 11/7/2024, petitioner filed WP No.21724 of 2024 on 29/7/2024. Thereafter, without disclosing the pendency of the said petition, she again filed an appeal before the Court of Additional Commissioner, Chambal Division, Morena on 5/8/2024. Thereafter, WP No. 21724 of 2024 came up for hearing for the first time on 7/8/2024 and notice was issued but interim order was not passed. Petitioner should not have pressed her appeal bearing No.177/Appeal/2024-25 which was filed before the Court of Additional Commissioner, Chambal Division, Morena, but still she pressed the said appeal and without disclosing the fact regarding pendency of WP No. 21724 of 2024 and without disclosing that this Court had not granted interim injunction, obtained an order of interim injunction from the Court of Additional Commissioner, Chambal Division, Morena on 20/8/2024. Thus, it is clear that petitioner is involved in all sorts of misadventurous acts and has no respect for anybody, even for the constitutional Courts.

6. So far as Clause 52 of the transfer policy is concerned, it is suffice to mention here that it is an executive instruction and not enforceable by law. Furthermore, Clause 52 merely says that all sorts of attachments should be cancelled, but it does not mean that even if a person is actively involved in misusing his/her office, still he/she cannot be attached.

7. Considering the totality of facts and circumstances of the case, this Court is of considered opinion that no case is made out warranting interference. However, petitioner is granted liberty to move an application for transfer to any part of the State of Madhya Pradesh. Respondents are also granted liberty to either pass an order of transfer of petitioner to any part of the State of Madhya Pradesh or may pass an order under the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966.



8. With aforesaid observations, the petition is dismissed.
9. The interim order dated 3/7/2024 is hereby vacated.

(G.S. Ahluwalia)
Judge

(and)