

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

WP No.5766 of 2025

(CHOTELAL ADIWASI VS. THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 25-02-2025

Shri Soumya Pawaiya, Advocate for petitioner.

*Shri Deependra Singh Kushwaha, Additional Advocate General
for respondents No. 1 to 3/State.*

Shri Vibhor Kumar Sahu, Advocate for respondent No. 5.

*Mr. Hemraj Singh Meena, ASI and Ms. Chanda Yadav, Constable
(Woman), Police Station Chanderi, District Ashoknagar produced corpus
Munni Bai.*

Respondents No. 4, 6 and 7 are also present in person.

The instant petition is in the nature of *Habeas Corpus*.

1. As per allegations, wife of petitioner is in illegal confinement of respondents No. 4, 6 and 7, therefore, this petition is preferred.
2. Today, corpus Munni Bai is produced by police and when this Court raised a query about her well being then she informs this Court that she is living at her brother's residence in a village, Tahsil Mungawali because she fears intimidation, threat and violence against her at the hands of one Hardeep Randhawa and Gaurav Sharma. They want to grab the land belonging to present corpus. Petitioner (husband of corpus) is serving Hardeep Randhawa as bonded labour, therefore, she wants protection from Hardeep Randhawa and Gaurav Sharma as she is facing

threat to her life, therefore, she is living at a remote place, where both these persons may not reach and harm her.

3. Allegations appear to be serious in nature, therefore, Collector and Superintendent of Police, District Ashoknagar are directed to enquire into the matter and if Chhotelal Adivasi and any other member of Schedule Tribe is taken as a bonded labour by anybody including Hardeep Randhawa and Gaurav Sharma, then prompt and strict action be ensured against miscreants in accordance with law.

4. Looking to the nature of allegations, it is further directed that petitioner Chhotelal Adivasi be produced before this Court on or before next date of hearing.

5. At this stage, learned counsel for the petitioner Shri Nitin Agrawal and Shri Soumya Pawaiya inform this Court that they have informed petitioner Chhotelal Adivasi and he is on his way. He would reach here by 04:00 PM.

6. Matter be taken up at **04:00 PM**.

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE

Later on :

Shri Nitin Agarwal and Shri Soumya Pawaiya- learned counsel for petitioner.

Shri

Deependra Singh Kushwaha- learned Additional Advocate General for respondent Nos. 1 to 3/State.

Shri Vibhor Kumar Sahu- learned counsel for respondent No.5 to 7.

1. Mr. Hemraj Singh Meena- ASI and Ms. Chanda Yadav- Constable (Woman) of Police Station Chanderi, District Ashoknagar are also present in person before this Court.
2. Two other persons, namely, Dharmpal Sharma and Gaurav Sharma are also present in person before this Court, although they were not called.
3. The instant petition is in the nature of habeas corpus.
4. As per allegations, wife of petitioner is in illegal confinement of respondent Nos. 4, 6 and 7. In the morning session, when matter was taken up for consideration of this petition, then from discussion, this Court gathered that petition filed under Article 226 of the Constitution of India (in the nature of habeas corpus) is an eye wash. Actually, some big people were behind this litigation and caused filing of this petition through present petitioner, so that property which is in the name of his wife Munni Bai (herein respondent No.5) can be transferred to somebody else.
5. Therefore, in the morning session, counsel for petitioner was

directed to cause appearance of petitioner. Therefore at the request of counsel for petitioner, matter is taken up at post lunch session.

6. It is the submission of counsel for petitioner that corpus is the wife of petitioner Munni Bai and due to inadvertence, she has been impleaded as party respondent No.5. They wanted to implead some other Munni Bai as party respondent. Corpus (wife of petitioner) is owner and possessor of property. Particulars of which are as under :-

Survey	Area	Village	P.H.N.
351/2	0.2333	Aklon + Aklon	
330/04	0.6270		
257/1	1.2540		
257/2	1.0760		
258/3	0.6270	Aklon + Aklon	
43	0.1570	Brijpura + Kulwar	
44	0.0630		
45	0.1570		
46	0.2190		
47	0.5540	Brijpura + Kulwar	
133 134	0.1150	Brijpura + Kulwar	
	4.8723 Hectare		

7. On 29/01/2025, corpus left her matrimonial home on pretext of visiting Prayagraj for participation in Kumbh Mela, but she went to her parental home Tahsil Chanderi, District Ashoknagar. Since, she was missing, therefore, petitioner filed a missing person report at Police

Station Ishagarh on 02/02/2025. When nothing turned positive, then this petition in the nature of habeas corpus has been filed

8. Counsel for the respondent/State on the basis of instruction received submits that it is a case of lust for land to grab land belonging to members of Schedule Tribe Community which is quite rampant in the said area. It is common practice that land of persons belonging to Schedule Tribe Community are grabbed by influential people or tribal persons are persuaded to dispose it off on meagre sum or sometimes, other mechanism is adopted to get control of the such pieces of land. Corpus is title holder and possessor of big chunk of land around 4.8723 Hectares and some local politicians want to get that land in their names. According to learned counsel, another group of land grabbers also want that piece of land, therefore, they are trying to influence corpus to move according to their designs. Therefore, apparently this writ petition is caused to be presented. It is referred that corpus was recovered earlier by police, but she wanted to stay at her parents' home.

9. Learned counsel for respondent Nos. 5 to 7 on the basis of instruction received informs this Court that wife of Hardeep Randhava is Sarpanch of Gram Panchayat Shankarpur, Tahsil Ishagarh and he alongwith other persons like Dharampal Sharma and Gaurav Sharma grab such type of land and try to oust the members of Schedule Tribe from their land by alluring them to sell it to some other person and if not, then force them to do so. Therefore, tribal members required to be protected and an enquiry be held in respect of such transactions. He further informs this Court that in last ten years, many instances came to

notice and common knowledge. Therefore, detailed enquiry of such type of transactions held in last ten years be initiated. He also raised a point of status of some people being treated and worked as bonded labours.

10. Heard the learned counsel for the parties and perused the record.

11. After considering rival submissions and motive by which, this petition under Article 226 of the Constitution of India (in the nature of habeas corpus) is filed, it appears that contentions of respondents are to some extent correct and deserve further probe. Initially, looking innocuous, but later on litigation appears to be multilayered. The way Dharampal Sharma and Gaurav Sharam tried to influence and intimidate the petitioner in the Court room, itself indicates that they somehow wanted to keep petitioner and corpus silent about their designs, maybe evil in the nature (also subject to enquiry/investigation). It further appears that the husband of Sarpanch Gram Panchyat Shankarpur, namely, Hardeep Randhawa maybe appears to be a person behind filing of this petition. Therefore, all these allegations are to be investigated and enquired and if required, simultaneously. Therefore, at the same time, petitioner as well as corpus and other respondents (Nos. 5 to 7), who are present in the Court room are required to be protected.

12. Therefore, in the conspectus of facts and circumstances of the case, respondents are directed to file reply in detail. Meanwhile, Collector Ashoknagar shall conduct an enquiry about the instances or the cases where land belonging to members of Scheduled Tribe Community are being grabbed or disposed off by such influential persons including the persons holding different offices. It would also be the duty of the

Collector, Ashoknagar to conduct enquiry in respect of bonded labours working in such agricultural field/households or any other places under the domination of such powerful persons. Collector, Ashoknagar shall have to ensure that no bonded labour should work in his district as it is contrary to Constitutional and statutory provisions.

13. A detailed reply under the affidavit of Collector, Ashoknagar be filed within next two weeks.

14. Superintendent of Police, Ashoknagar is also directed to investigate the matter and if any case of such nature is found where, persons of influence or any vested interest tried to forcibly get the land of members of Scheduled Tribe Community, then criminal case be registered against them without delay and investigation be carried out without being influenced in any manner.

15. So far as police protection to petitioner and corpus/private respondents is concerned, S.P. Gwalior is directed to provide police protection to petitioner and corpus/private respondents, so that they may go to their in-laws place of petitioner at Village Surel. Tehsil Chanderi, District Ashoknagar in such police protection. Two Constables would accompany petitioner, corpus and respondents No.4 to 7.

16. It is made clear that once they reach village Surel, then it would be the duty of Police Station Chanderi to give protection to petitioner and corpus. Superintendent of Police, Ashoknagar shall ensure protection of all these persons with utmost promptitude. Till they reside at Village Surel, the S.P. Ashoknagar shall ensure their protection and safety.

17. Dharampal Sharma and Gaurav Sharma who are present in the

Court room are directed not to move in the vicinity of petitioner, corpus and respondents No.4 to 7 and shall not try to contact them in person, through any electronic device, through anybody else, otherwise, appropriate criminal case shall be registered against them and/or contempt proceedings shall be drawn against them for flouting the order of this Court, thus, committing the contempt of this Court. Any mischief/misadventure shall be dealt with seriously by the concerned Police Officer.

18. It is made clear that till next date of hearing, no transaction of the above-mentioned land shall be carried out by any Revenue/Registering Authority.

19. List this case **on 11.03.2025.**

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE

Prachi