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

**BEFORE  
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 22<sup>nd</sup> OF DECEMBER, 2023**

**WRIT PETITION No. 25615 of 2023**

**BETWEEN:-**

**SMT. SHANTABAI D/O RAMSINGH W/O MANOHAR  
OCCUPATION: AGRICULTURE R/O VILLAGE  
DARJIKARADIYA TEHSIL SANWER DISTT. INDORE AT  
PRESENT VILLAGE LOHANA TEHSIL BADNAGAR  
DISTT.UJJAIN (MADHYA PRADESH)**

**.....PETITIONER**

***(BY SHRI RISHIRAJ TRIVEDI, ADVOCATE)***

**AND**

- 1. SUB DIVISIONAL OFFICER (REVENUE) SANWER  
DISTT. INDORE (MADHYA PRADESH)**
- 2. SMT. GAYATRI BAI W/O LATE DILIP  
OCCUPATION: AGRICULTURIST VILLAGE  
DARJIKARADIYA TEHSIL SANWER DISTRICT  
INDORE (MADHYA PRADESH)**
- 3. JITENDRA S/O LATE DILIP OCCUPATION:  
AGRICULTURIST VILLAGE DARJIKARADIYA  
TEHSIL SANWER DISTRICT INDORE (MADHYA  
PRADESH)**
- 4. VIJENDRA S/O LATE DILIP OCCUPATION:  
AGRICULTURIST VILLAGE DARJIKARADIYA  
TEHSIL SANWER DISTRICT INDORE (MADHYA  
PRADESH)**
- 5. ANIL S/O LATE DILIP OCCUPATION:  
AGRICULTURIST VILLAGE DARJIKARADIYA  
TEHSIL SANWER DISTRICT INDORE (MADHYA  
PRADESH)**
- 6. SUNIL S/O LATE DILIP OCCUPATION:  
AGRICULTURIST VILLAGE DARJIKARADIYA  
TEHSIL SANWER DISTRICT INDORE (MADHYA  
PRADESH)**

7. **BALRAM S/O LATE DILIP OCCUPATION:  
AGRICULTURIST VILLAGE DARJIKARADIYA  
TEHSIL SANWER DISTRICT INDORE (MADHYA  
PRADESH)**
8. **PREMABAI D/O LATE DILIP OCCUPATION:  
AGRICULTURIST VILLAGE DARJIKARADIYA  
TEHSIL SANWER DISTRICT INDORE (MADHYA  
PRADESH)**

....RESPONDENTS

*(BY SHRI VAIBHAV BHAGWAT, P.L./G.A.)*

.....

*This petition coming on for admission this day, the court passed the following:*

**ORDER**

Heard.

2. This petition has been filed by the petitioner under Article 226 of the Constitution of India against the order dated 12.07.2023 passed by the respondent No.1 SDO on an application filed by the petitioner under Section 115 of the Land Revenue Code, 1959 (hereinafter referred to as the 'Code of 1959'). Vide the impugned order, the SDO has rejected the application on merits.

3. Counsel for the petitioner has submitted that the order is without jurisdiction as the SDO ought to have referred the matter to the Collector before taking any action and thus, the sanction of the Collector was required under proviso to Section 115 of the Code of 1959.

4. Counsel appearing for the respondents/State, on the other hand, has opposed the prayer and it is submitted that there is no error committed by the SDO in rejecting the application as it is not a case where the correction has been made without the sanction of the Collector, but a case where the application itself has been rejected on a preliminary inquiry itself. Thus, it is submitted that

no case for interference is made out.

5. Having considered the rival submissions and on perusal of the documents filed on record, so far as Section 115 of the Code of 1959 is concerned, the same reads as under:-

"[115. **Correction of wrong or incorrect entry in land record.**— (1) A Sub-Divisional Officer may, on his own motion or on application of an aggrieved person after making such enquiry as he deems fit, correct any wrong or incorrect entry including an authorized entry in the land records prepared under section 114 other than Bhooadhikar Pustika and record of rights, and such corrects shall be authenticated by him:

Provided that no action shall be initiated for correction of any entry pertaining to a period prior to five years without the sanction in writing of the Collector.

(2) No order shall be passed under sub-section (1) without.--

(a) getting a written report from the Tahsildar concerned; and

(b) giving an opportunity of hearing to all parties interested:

Provided that where interest of Government is involved, the Sub-Divisional Officer shall submit the case to the Collector.

(3) On receipt of a case under sub-section (2), the Collector shall make such enquiry and pass such order as he deems fit]."

6. A perusal of the proviso to the aforesaid Section clearly reveals that no action shall be initiated for correction of any entry pertaining to a period prior to five years without the sanction in writing of the Collector and thus, it has to be assumed that the sanction is required only when the SDO is of the opinion that the entry is required to be corrected.

7. In such circumstances, when the SDO himself was of the opinion that the entry is not to be corrected, there was no occasion for him to seek any sanction in writing from the Collector. In view of the same, no fault can be found in the impugned order.

8. Accordingly, the petition being *sans* merit, is hereby ***dismissed***.

Bahar

