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

**BEFORE  
HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 19<sup>th</sup> OF APRIL, 2024**

**WRIT PETITION No. 30690 of 2023**

**BETWEEN:-**

1. SMT. USHA W/O SHRI DILIP KUMAR PORWAL,  
AGED ABOUT 53 YEARS, OCCUPATION:  
HOUSEWORK SUDAMA NAGAR, FUTI KOTHI  
ROAD, INDORE (MADHYA PRADESH)
  
2. DILIP KUMAR S/O NATHULAL JI PORWAL, AGED  
ABOUT 56 YEARS, OCCUPATION: NOKRI SUDAMA  
NAGAR FOTI KOTHI ROAD INDORE (MADHYA  
PRADESH)

**.....PETITIONERS**

***(BY SHRI RAVINDRA UPADHYAY - ADVOCATE)***

**AND**

1. THE STATE OF MADHYA PRADESH THROGUH  
PRAMUKH SACHIV NAGRIYA PRASHAN EVM  
VIKAS MANTRALAYA, VALLABH BHAWAN,  
BHOPAL (MADHYA PRADESH)
  
2. MUKHAY NAGAR PALIKA ADHIKARI NAGAR  
PALIKA PARISHAD NAGDA MANDI DIST UJJAIN  
(MADHYA PRADESH)

**.....RESPONDENTS**

***(BY SHRI KAPIL MAHANT - PANEL LAWYER)***

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

**ORDER**

1. By this petition preferred under Article 226 of the Constitution of India the petitioners have challenged the order dated 07.08.2023 (Annexure P/13) passed by respondent No.2 whereby their mutation application has been

rejected simply on the ground that on the same opinion was sought for from the counsel who has recommended for the application to be rejected.

2. The aforesaid cannot by any stretch of imagination be said to be a plausible, legal or objective determination of the application of the petitioners. The application is required to be decided on the basis of the available facts and applicability of the legal principles thereto. It is a duly instituted quasi-judicial proceeding. An independent decision thereupon has to be taken and the application cannot be rejected simply because in the opinion of the counsel for respondent No.2 the same deserves to be rejected.

3. Thus the impugned order dated 07.08.2023 (Annexure P/13) passed by the respondent No.2 is hereby set aside and respondent No.2 is directed to decide the mutation application of the petitioners in accordance with law.

4. It is further observed that if the application of the petitioners is now rejected by respondent No.2 on any such flimsy grounds as has been done by the present impugned order or as was done by the earlier order dated 28.05.2021, a serious view of the matter shall be taken by this Court against respondent No.2 and its concerning officers. The application of the petitioners be positively decided within a period of three months from the date of receipt of certified copy of this order.

5. The petition is accordingly allowed and disposed off however without expressing any opinion on merits.

**(PRANAY VERMA)**  
**JUDGE**

