

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 25<sup>th</sup> OF JULY, 2024

WRIT PETITION No. 20933 of 2024

*JAGDISHCHANDRA BAIRAGI*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:

Shri Sunil Jain - Sr. Advocate with Shri Kushagra Jain and Shri Harshwardhan Singh Rathore - Advocates for petitioner.

Shri Bhuwan Deshmukh - GA for State.

ORDER

1. Petitioner has filed the present petition challenging the notice dated 12.7.2024 issued by Tehsildar, Rampura.
2. The petitioner is claiming himself to be a bhumiswami of land ad measuring 10.897 hectare comprised in Survey Nos.282, 759, 762, 794, 795, 796, 797, 798, 904 situated in Tehsil Rampura, District Neemuch.
3. In the aforesaid land, there is a temple named Mangleshwar Mahadev Mandir in which the petitioner has been working as pujari since more than seven generations. The petitioner is doing agricultural activity in the aforesaid land. According to the petitioner, the names of fore-fathers Shri Siyaramdas was recorded in the revenue record as Inaamdar, therefore, the petitioner has acquired the bhumiswami right after coming into force the MPLR Code. Vide order dated 22.4.2023 the petitioner was officially appointed as pujari of the said temple and managing the temple as well as the land. State government has issued a Circular dated 22.4.2023 whereby the pujari has been permitted to keep the income received from the 10 acres of the agricultural land and if the land is more than 10 acre, then the same shall be auctioned by conducting a

transparent process for which the information will be given to the Collector and the income will be deposited in the account of the Mandir. In pursuant to the aforesaid notice, the Tehsildar issued a direction to the petitioner to keep the income from the agricultural land upto 10 acres and auction the remaining land and deposit the amount in the account of the Mandir. Hence, this petition before this court.

4. Shri Sunil Jain, learned Sr.Counsel for the petitioner submits that the petitioner is an absolute owner of the land, therefore, the provisions of Circular dated 22.4.2023 does not apply to the petitioner. He has become owner of the land by virtue of the provisions of the MPLR Code as the land was given by way of Inaam.

5. The petitioner is wrongly claiming himself to be an absolute owner of the entire land on which this temple is situated. As per the Khasra Panchshala the land is recorded in the name of Mangleshwar Mahadev Mandir through Manager Collector, Neemuch. By the impugned notice, the Tehsildar is not himself conducting the auction proceedings rather directed petitioner to auction the excess land by following the transparent procedure with an information to the Collector and deposit the amount in the bank account of the Mandir. Nothing wrong in this order.

6. The writ petition is accordingly **dismissed**.

(VIVEK RUSIA)  
JUDGE