



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

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 12<sup>th</sup> OF SEPTEMBER, 2024**

**WRIT PETITION No. 26466 of 2024**

***KARAMAT***

*Versus*

***ANAND SAGAR REAL ESTATE PVT. LTD. THROUGH  
DIRECTOR VARJINDAR SINGH AND OTHERS***

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**Appearance:**

***Shri Aditya Choudhary - Advocate for the petitioner.***

***Shri Manoj Munshi- Advocate for the respondent No.1.***

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**ORDER**

Heard.

2] This petition has been filed by the petitioner under Article 226 of the Constitution of India, against the order dated 12.07.2024, passed by the respondent No.2 Additional Collector, Indore in Revision No.12/Revision/2024-25, arising out of order dated 28.05.2024, passed by the Tehsildar on an application filed by the petitioner under Section 32 of the M.P. Land Revenue Code, 1959 (hereinafter referred to as 'the Code of 1959').

3] In brief, the facts of the case are that an agreement took place between the petitioner and the respondent in the year 2021, pursuant to which, the respondent has already paid a sum of Rs.1 Crore to the petitioner, whereas, the possession of the property is still with the petitioner since last eight years and apparently, a



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dispute has arisen between the parties, which has led the petitioner to file a civil suit, in which the interim injunction application has already been rejected and against which, an appeal has also been filed which is pending in this court. Simultaneously, an application under Section 250 of the Code of 1959 has also been filed by the respondent seeking possession of the land and in the aforesaid proceedings, an application under Section 32 of the Code of 1959 has been filed seeking termination of the proceedings initiated under Section 250 of the Code of 1959, on the ground that a civil suit is already pending. The aforesaid application has been rejected by the Tehsildar and has also been affirmed in the revision by the impugned order dated 12.07.2024. Hence, this petition.

4] Counsel for the petitioner has submitted that since the petitioner's appeal, M.A. No.4523/2024, filed before this Court, arising out of the order passed on an application filed under Order 39 Rule 1 and 2 of CPC is already pending, the Tehsildar ought not to have proceeded further with the matter. However, it is not denied that the interim injunction application of the petitioner before the Tehsildar has already been rejected.

5] Counsel for the respondent, on the other hand, has opposed the prayer.

6] Heard. Having considering the rival submissions and on perusal of the documents filed on record, this Court does not find it to be a fit case to exercise its jurisdiction under Article 226 of



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the Constitution of India, as the petitioner would have ample opportunity to contest the matter before the Tehsildar under Section 250 of the Code of 1959, and no case for termination of the aforesaid proceedings is made out.

7] Needless to say, the parties would be governed by the final decree passed by the Civil Court.

8] With the aforesaid, the petition stands *disposed of*.

(SUBODH ABHYANKAR)  
JUDGE

Bahar