



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE G. S. AHLUWALIA
ON THE 18th OF SEPTEMBER, 2024
WRIT PETITION No. 21490 of 2015
SMT. SURATIYA AND OTHERS
Versus
*THE STATE OF MADHYA PRADESH AND OTHERS***

Appearance:

Shri Shakti Prakash Pandey- Advocate for petitioners.

Shri Gajendra Parashar- Panel Lawyer for the respondents/State.

Shri Atul Choudhary- Advocate for respondent Nos. 6, 7, 8 and 9.

ORDER

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs:-

“(i) To, quashed the impugned order dated 16-7-2015 passed by the member of the Revenue Board Gwalior (Annexure P/1) and maintained the order 18-08-2011 (Annexure P/5) passed by the Commission Rewa Division Rewa (M.P.).

(ii) Any other relief which deem fit and proper looking to facts and circumstances of the may also be awarded in favour of the petitioner.”

2. It is the case of the petitioners that respondents No. 6 to 9 moved an application for demarcation of land bearing Khasra No. 14/1Kha (whereas in the order of Tehsildar Khasra Number has been mentioned as 14/1Sa), area 2 acres situated in Village Amirati, Tehsil Majhgawan, District Satna. The Tehsildar Majhgawan, District Satna directed for demarcation of the said land. Notices were issued. Demarcation was



carried out on 09.08.2009 and it was found that Chhedilal has encroached upon certain piece of land. Since no objection was filed, therefore, Tehsildar Majhgawan, District Satna by order dated 12.08.2009 affirmed the demarcation report.

3. Being aggrieved by the said order, it appears that the petitioners preferred a Revision before Additional Collector, Satna which was registered as Case No. 13/Revision/09-10. The said Revision was dismissed by Additional Collector, Satna by order dated 11.01.2010 by saying that the titles are not decided on the basis of demarcation and the purpose of demarcation is to know about the extent of their boundaries and if the petitioners so advise, then they can also get their property demarcated.

4. Being aggrieved by the said order, the petitioners preferred a Revision which was allowed by Additional Commissioner, Rewa Division, Rewa by order dated 18.08.2011 and the Additional Commissioner, Rewa Division, Rewa after setting aside the order dated 11.01.2010 passed by Additional Collector, Satna as well as the order dated 12.08.2009 passed by Tehsildar Majhgawan, District Satna remanded the matter back to carry out fresh demarcation after giving information to neighboring formers.

5. Being aggrieved by the said order, the respondents preferred a Revision before Board of Revenue, Gwalior which was registered as Case No. 1707-3/2011 and by impugned order dated 16.07.2015 the order passed by Additional Commissioner, Rewa Division, Rewa has been set aside.



6. Since the findings given by the Additional Commissioner, Rewa Division, Rewa and the findings given by the Board of Revenue were diametrically opposite, therefore, the Co-ordinate Bench of this Court by order dated 10.08.2017, directed the Government Advocate to produce the original record.

7. It is submitted by counsel for State that the original record is available and accordingly it was provided in sealed cover.

8. From the record which has been provided by the State it appears that only the record of Board of Revenue has been sent and not the record of Tehsildar or Additional Collector or Additional Commissioner. Since this matter is pending for last 9 years and application for demarcation was filed in the year 2009, therefore, this Court does not consider it appropriate to adjourn the case.

9. The only dispute is as to whether the petitioners were informed about the demarcation which was carried out on 09.08.2009 or not?

10. The record of Board of Revenue contains the certified copy of notice which shows that no notice was served to petitioner No. 1 as well as petitioner No. 2 because no signature are found in-front of their names.

11. Be that whatever it may be.

12. In order to put the controversy at knot, this Court is of considered opinion that it would be in the fitness of things if fresh demarcation is carried out in the presence of the parties. Accordingly, this petition is **disposed of** with following observations:-

- (i) The parties shall appear before Tehsildar Majhgawan, District Satna on **30th of September, 2024** and the Tehsildar



Majhgawan, District Satna shall constitute a team for carrying out the demarcation on **15.10.2024**;

(ii) If for any reason beyond the control of authorities, the demarcation is not possible on 15.10.2024, then the demarcation shall be positively carried out on 04.11.2024;

(iii) If a party decided not to appear before the Tehsildar on 30.09.2024 or not to remain present on the spot on 15.10.2024 or on 04.11.2024 as the case may be, then it shall be presumed that he has nothing to say against the demarcation and such absentee shall not have any right to claim that the demarcation was carried out in his absence;

(iv) Neither the Tehsildar nor the head of demarcation team will have any jurisdiction to alter the dates so fixed by this Court.

13. The aggrieved party shall have a right to file an objection before the Tehsildar Majhgawan, District Satna against the demarcation report and if such an objection is filed, then the same shall be decided as per the provision of Section 129(4) of MPLR Code.

14. If no objection is filed within a period of two days from the date of demarcation, then it shall be presumed that nobody is aggrieved by the demarcation report.

15. With aforesaid observations, the order dated 12.08.2009 passed by Tehsildar Majhgawan, District Satna in Case No. 148/A-12/08-09, order dated 11.01.2010 passed by Additional Collector, Satna in Case No. 13/Revision/09-10, order dated 18.08.2011 passed by Additional Commissioner, Rewa Division, Rewa in Case No. 328/Revision/2009-



10 and order dated 16.07.2015 passed by Board of Revenue, Gwalior in Case No. 1707-3/2011 are hereby **set aside**.

16. Accordingly, the petition is finally **disposed of**.

(G.S. AHLUWALIA)
JUDGE

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