

**THE HIGH COURT OF MADHYA PRADESH**

**Writ Petition No.18977 of 2021  
(Beni Singh and others Vs. The State of Madhya Pradesh and others)**

**Jabalpur, Dated : 23.09.2021**

Shri Avdhesh Gupta, learned counsel for the petitioner.

Shri Ayur Jain, learned panel lawyer for the respondents/State.

The petitioner has filed this petition under Article 226 of the Constitution of India seeking the following relief (s) :-

“(i) The respondents authorities may kindly be pleased to direct to examine the case of the petitioners in pursuance of the Govt. decision dated 03.03.2010 and in the light of the order passed by this Hon’ble Court in W.P. No.9038/2013 dated 15.5.2013 and also the list dated 04.09.2018 and declared to the petitioners as Bhumiswami over the land possessing by them as per their entitlement in accordance with law.

(ii) Any other relief which is suitable in the facts and circumstances of the case in favour of the petitioner, including the cost throughout may also be granted.”

It is submitted that the petitioners are the Gram Kotwars having land in their possession before the commencement of M.P.Land Revenue Code, 1959 through the Malguzar. A circular has been issued by the State Government dated 03.03.2010 and in pursuance to the policy/scheme as directed to all the Collectors in district to execute the order passed by the Hon’ble Chief Minister on 22.06.2007 wherein it was directed to scrutinize the cases of all the Kotwars who are in possession of the land prior to commencement of MPLRC. It is submitted that in pursuance to the directions given, the matters were scrutinized and the list with respect to Kotwars who are in possession of land prior to commencement of MPLRC have been prepared dated 04.09.2018 which are as under :-

Sl.No.	Name of Kotwar	Gram/Tehsil	District
1.	Shri Beni Singh	Johar Barha/Bareli	Raisen
2.	Durga Prasad	Salaiya/Bareli/Bareli	Raisen
3.	Heeralal	Amrawad Khurd	Raisen
4.	Gajraj	Seoni/Bareli	Raisen

It is submitted that a similar controversy was considered by this Court and an order has been passed in **Writ Petition No.9038/2013 (Khemchand & others Vs. State of M.P. and others)** decided on 15.05.2013 directing the authorities to consider and decide the case of the petitioner. He prays for similar relief to be extended to the petitioner. It is argued that he has already preferred a detailed representation to the respondent No.2, the same be directed to be considered and decided expeditiously.

Counsel for the State could not dispute the aforesaid fact and fairly submits that if a fresh representation is filed along with all the relevant documents to the respondent No.2, the same will be considered and decided expeditiously.

Considering the overall facts and circumstances of the case and an innocuous prayer is made by the petitioner to direct the authorities to consider and decide the claim in the light of the circular issued by the State Government and the judgment passed by this Court in the case of **Khemchand** (supra), this Court deems it appropriate to dispose of the writ petition directing the petitioner to file a fresh representation to the respondent No.2 within a period of 10 days from today and in case such a representation is filed along with relevant documents, the respondent No.2 is directed to dwell upon the same and pass a self-contained speaking order after verifying the contents of the petitioner and the communicate the

outcome to the petitioner within a period of 90 days from the date of receipt of certified copy of this order.

Needless to mention here that this Court has not commented upon the merits of the case.

With the aforesaid observations, this petition is **disposed of**.

**(Vishal Mishra)**  
**Judge**

**AM.**