

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PURUSHAINDRA KUMAR KAURAV

WRIT PETITION No.6052 of 2021

Between:-

**SMT. GULAB BAI, WD/O SHRI
CHHOTELAL PATEL, AGED ABOUT 85
YEARS, OCCUPATION – HOUSEWIFE, R/O
TRIPURI WARD, GARHA, DISTRICT
JABALPUR (M.P.)**

....PETITIONER

(BY SHRI AMOD KUMAR GUPTA, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE, VALLABH
BHAWAN, DISTRICT BHOPAL (M.P.)**
- 2. THE COMPETENT AUTHORITY UNDER THE
URBAN LAND CEILING ACT
(COLLECTORATE), JABALPUR, DISTRICT
JABALPUR (M.P.)**

....RESPONDENTS

***(BY SHRI ANSHUMAN SWAMI, PANEL LAWYER FOR THE
RESPONDENT/STATE)***

Reserved on : 17.02.2022

Delivered on : 04.03.2022

ORDER

The petitioner in the instant writ petition has prayed for declaration for abatement of the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 (for short, hereinafter referred to as the “Act of 1976”) in view of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (for short, hereinafter referred to as the “Repeal Act, 1999”).

2. Learned counsel for the petitioner submits that the petitioner is Bhumi Swami of land bearing Khasra No.199/2, area admeasuring 0.494 hectares, situated at Village – Purva, Tehsil NB No.162, PH No.28, Tehsil and District Jabalpur. According to him, on 03.02.1984 in Case No.814/A-90/B-9/1981-82 an area of about 3586.34 sq.ft. was declared as surplus. The petitioner states that no notice was issued under Section 10(5) of the Act of 1976, nor the possession of the land in question has been taken over by the State. The compensation has not been paid. Since, the petitioner was suffering from ailment, therefore, no timely steps could be taken and hence, in view of the decision passed by the Division Bench of this Court in the matter of ***Ram Kumar Pathak Vs. State of M.P. & Others (W.A.No.734/2008) on 18.07.2012*** against which ***SLP (Civil) CC 10714-10715/2013*** was also dismissed by the Supreme Court on 26.08.2013. Hence, the present writ petition be entertained and appropriate relief be granted.

3. This Court is not inclined to accede to the prayer made in the present writ petition. The Division Bench of this Court in the matter of ***Ram Narayan & Others Vs. The State of Madhya Pradesh & Others dated 14.02.2022***¹ had an occasion to consider the provisions of the Act of 1996 and the Repeal Act, 1999. While taking into consideration

1 Writ Appeal No.81 of 2006

various decisions of the Hon'ble Supreme Court and decisions of this Court, it has been held that after lapse of reasonable time, the party cannot be allowed to claim the benefit under the Repeal Act, 1999. In that case, the possession was taken in the year 1994 and in the year 2004, the petitioner in that case made an application seeking benefit of the Repeal Act, 1999.

4. In the present case, the petitioner is approaching this Court after about 38 years. Under the aforesaid circumstances, in view of the principal of law laid down by this Court in the matter of *Ram Narayan & Others Vs. The State of Madhya Pradesh and Others*¹, I do not find any substance to entertain the writ petition and hence, the same is hereby dismissed.

(PURUSHAINDR KUMAR KAURAV)
JUDGE