

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

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 2nd OF JULY, 2024

WRIT PETITION No. 13393 of 2022

(RAM BAI AND OTHERS

Vs

TEHSILDAR AND OTHERS)

Appearance:

(BY SHRI OM PRAKASH TIWARI – ADVOCATE FOR PETITIONER)

(BY SHRI ROHIT JAIN – GOVERNMENT ADVOCATE)

ORDER

This petition under Article 226 of Constitution of India has been filed seeking following relief(s):-

“(i) माननीय उच्च न्यायालय से बिनम्र प्रार्थना है कि माननीय तहसीलदार महोदय राजस्व न्यायालय कोतमा के समक्ष लंबित उक्त राजस्व प्रकरण कमांक 0005/अ-70/20-21 में अबिलंब सुनवाई किये जाने हेतु तथा उक्त राजस्व प्रकरण का अबिलंब विधि सम्मत निराकरण किये जाने हेतु उक्त तहसीलदार महोदय न्यायालय कोतमा को आदेश/निर्देश प्रदान किये जाने की कृपा की जावे।

(ii) न्याय की पूर्ति हेतु औचित्यपूर्ण सभी सहायता प्रदान की जावे।”

2. It is submitted by counsel for petitioner that Case No.5/A-70/20-21 was instituted by the respondent No.3/Mansingh and Tahsildar, Tahsil-Kotma, District Anuppur by order dated 16.10.2020 fixed the case for 23.10.2020 for order on the question of maintainability. However, no order has been passed so far and accordingly, it is prayed that Tahsildar, Kotma, District-Anuppur be

directed to pass the order on the question of maintainability as early as possible.

3. Heard the learned counsel for petitioner.

4. It is the case of the petitioner that an application under Section 250 of MPLRC was filed by respondent No.3 and the same is pending for orders on the question of maintainability.

5. The Supreme Court in the case of **Anil Rai v. State of Bihar** reported in **AIR (2001) SC 3173** has held as under:

“21. Under the prevalent circumstances in some of the High Courts, I feel it appropriate to provide some guidelines regarding the pronouncement of judgments which, I am sure, shall be followed by all concerned, being the mandate of this Court. Such guidelines, as for the present, are as under:

(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the Court Officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice

concerned shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.”

6. Without verifying the correctness of the order-sheets filed by the petitioner, it is directed that in case, if the petitioner files an application before the Collector, Anuppur pointing out the pendency of Case No.5/A-70/20-21 before Tahsildar, Tahsil-Kotma, District Anuppur, then the Collector, Anuppur after verifying the record shall direct the Tahsildar, Tahsil-Kotma, District Anuppur for rehearing on the question of maintainability of proceeding under Section 250 of

MPLR Code and shall direct the Tahsildar, Tahsil-Kotma, District-Anuppur to pass the order on the said objection within a period of 15 days from the date of such hearing.

7. It is made clear that if the same Presiding Officer is still posted as Tahsildar, Tahsil- Kotma, then the file shall be withdrawn from his Court and shall be assigned to somebody else and if the Tahsildar, Tahsil-Kotma who has heard the arguments on the question of maintainability on 16.10.2020 had already been transferred, then file shall not be withdrawn from the Court of Tahsildar, Tahsil-Kotma, District-Anuppur.

8. With aforesaid observation, the petition is finally **disposed of**.

(G.S. AHLUWALIA)
JUDGE

VB*