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WP-14724-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 17th OF FEBRUARY, 2026WRIT PETITION No. 14724 of 2024*SMT. GULAB BAI KUSHWAHA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Aditya Sharma - Advocate for the petitioner.

Shri Suyash Thakur - Government Advocate for the respondents/State.

Shri Sajidula Khan - Advocate for respondent No.5.

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ORDER

This petition has been filed assailing the order of mutation dated 01/12/2020 passed by respondent No.4/ Tehsildar, Tehsil Raghuraj Nagar, District Satna as well as order of Appellate Authority affirming the order passed by Tehsildar.

2 . The brief facts of the case are that respondent No.5 filed an application for demarcation before Tehsildar in respect of land bearing Khasra No.794/2/1/2 area 1.207 hectare situated at Mouja Deloura, Tehsil Raghuraj Nagar, District Satna. Tehsildar called report from Revenue Inspector and Patwari Halka and the report was submitted. Tehsildar vide order dated 01/12/2020 passed the order of demarcation without giving opportunity of hearing to the petitioner. Being aggrieved by the order of Tehsildar, petitioner filed an application under Section 129(5) of MPLRC



before Sub Divisional Officer (Revenue), Raghurajnagar along with application for condonation of delay. The Sub Divisional Officer vide order dated 10/07/2023 dismissed the application on the ground of delay. Therefore, this petition has been filed.

3. It is the case of the petitioner that Tehsildar without giving any opportunity of hearing and without issuance of any notice required under Section 129 of MPLRC has passed the order of demarcation dated 01/12/2020. The same has wrongly been affirmed by the Sub Divisional Officer and the application of the petitioner has wrongly been rejected on the ground of delay.

4. *Per contra*, learned counsel appearing for the State as well as private respondent have vehemently opposed the petition averments and supported the impugned orders passed by the Authorities. They have prayed for dismissal of the Writ Petition.

5. Heard learned counsel for the parties and perused the record.

6. The fact remains that the application for mutation was filed by the private respondent during the COVID-19 pandemic period. It is argued that when the entire country was standstill and the revenue Courts were not functioning, how such an application has been filed before Tehsildar and how the demarcation proceedings could have been conducted. It is the specific case of the petitioner no opportunity of hearing was granted and no procedure as contemplated under Section 129 of MPLRC was followed by the Authorities prior to carrying out the demarcation proceedings.

7. Learned State counsel as well as learned counsel for private



respondent after arguing for some time could not justify the orders impugned simply on the ground that how the proceedings of demarcation could have been carried out by the Authorities during the COVID-19 Pandemic period and no notices were issued and served to the petitioner for a date on which parties were to remain present for demarcation of property in question. The aforesaid demarcation proceedings could not have been carried out as the procedure contemplated under Section 129 of MPLRC was not followed by the Authorities.

8 . Under these circumstances, the impugned order of demarcation dated 01/12/2020 is unsustainable. It is hereby set aside. The appellate order dated 10/07/2023 affirming the mutation order is quashed. The matter is remanded back to the Authorities for carrying out fresh demarcation in accordance with law.

9. With aforesaid observations, the petition is finally **disposed of**. No order as to costs.

(VISHAL MISHRA)
JUDGE