



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

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 4th OF OCTOBER, 2024

WRIT PETITION No. 30116 of 2024

ANAND SINGH TOMAR@ RAMAKANT

Versus

INDER SINGH

Appearance:

Shri Bhavil Pandey - Advocate for the petitioner.

Shri Abhinav Shrivastava - Advocate for the respondent.

ORDER

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

“7.1 That this Hon’ble Court may kindly be pleased to quash and set aside the impugned order dated 21/09/2021 (Ann.P/12) passed by the Additional Commissioner, Sagar Division, in the interest of justice.

7.2 Any other relief which this Hon’ble Court may deem just and proper in the facts and circumstances of the case may kindly be issued in favour of the Petitioner along with cost of the petition.”

2. It is submitted by counsel for petitioner that during the minority of the petitioner, the land in dispute was jointly purchased in the name of Ramakant and other persons. However the name of petitioner is Anand Singh Tomar. Accordingly, he filed an application under section 115 of MPLR Code for correction of his name in the revenue record. This application filed by petitioner was allowed by Tahsildar by order dated



21.4.2016 and directed to update the land record with the official name of the petitioner along with his childhood name. It was also directed to update the land record with the petitioner's name as Ramakant alias Anand Singh S/o Har Prasad Tomar. Thereafter, the respondent, who is the cousin brother of petitioner, preferred an appeal before SDO, which was registered as Case No.88/Appeal/2019-20. The SDO (Revenue), Bijawar, District Chhatarpur by order dated 8.6.2020 dismissed the appeal with a liberty to the respondent that in case if he has any objection to the name of petitioner, then he can file a civil suit.

3. Being aggrieved by the said order, the respondent preferred an appeal before Additional Commissioner, Sagar Division Sagar, which was registered as Appeal No.197/Appeal/A-6/20-21 and by the impugned order dated 21.9.2021 allowed the appeal and set aside the order dated 8.6.2020 passed by SDO (Revenue), Bijawar, District Chhatarpur as well as order dated 11.1.2016 passed by Tahsildar, Bijawar, District Chhatarpur. It is submitted that so far as the name of petitioner is concerned, in his all the official records his name has been mentioned as Anand Singh Tomar. He further submitted that in the pension record of his father, the name of petitioner has been mentioned as Ramakant @ Anand Singh Tomar and thus, it is clear that Ramakant is also known as Anand Singh Tomar and he is one and the same person. Therefore, the Tahsildar as well as SDO did not commit any mistake for directing the correction of his revenue record by inserting the name of petitioner as Anand Singh Tomar also.

4. Per contra, the petition is vehemently opposed by counsel for respondent. It is submitted that Ramakant and Anand Singh Tomar are



two different persons. The petitioner is trying to grab the property of Ramakant and even the Tahsildar has no jurisdiction to decide as to whether Ramakant and Anand Singh Tomar are the same persons.

5. Heard the learned counsel for the parties.

6. The petitioner has filed the marksheet to show that his name is Anand Singh Tomar. Except in the service record of Harprasad, the name of his nominee is mentioned as Ramakant @ Anand Singh Tomar. The counsel for petitioner could not point out any document to show that he is the same person. When the claim that Ramakant and Anand Singh Tomar are the same person has been seriously disputed by his co-sharer, then the petitioner should have approached the civil court for declaration of his identification. The revenue authorities by passing orders under section 115 of MPLR Code cannot adjudicate as to whether Ramakant is Anand Singh Tomar or not?

7. Even otherwise in the sale deed, the surname of Ramakant is mentioned as Umri and surname of his father is also mentioned as Umri whereas the surname of petitioner is Tomar. How the surname has changed, has also not been clarified.

8. Under these circumstances, this Court is of considered opinion that Additional Commissioner, Sagar Division, Sagar did not commit any mistake by setting aside the orders passed by SDO as well as Tahsildar. Furthermore, as per section 115 of MPLR Code, an incorrect or wrong entry can be corrected but by inserting the name of petitioner as Anand Singh Tomar in fact the Tahsildar has created a right in favour of the petitioner.



9. Under these circumstances, this Court is of considered opinion that Tahsildar and SDO have exceeded their jurisdiction by inserting the name of petitioner as Ramakant @ Anand Singh Tomar.

10. Accordingly, the order dated 21.09.2021 passed by Additional Commissioner, Sagar Division in Case No.197/Appeal/A-6/20-21 is hereby **affirmed**.

11. The petition fails and is hereby **dismissed**. However, liberty is granted to the petitioner that if so advised, he may file a civil suit for declaration that Ramakant and Anand Singh Tomar are one and the same person.

(G.S. AHLUWALIA)
JUDGE

TG/-