

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

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 25th OF APRIL, 2024

WRIT PETITION No. 5242 of 2024

BETWEEN:-

**VIRNDAWAN PATEL S/O MUNNI
PATEL, AGED ABOUT 45 YEARS,
OCCUPATION: AGRICULTURIST
VILLAGE BASAEI RAJNAGR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI J.K.SONI - ADVOCATE)

AND

**1. KUSUM AHIRWAR D/O
GORELAL AHIRWAR, AGED
ABOUT 40 YEARS, OCCUPATION:
HOUSE WIFE RAJNAGR
(MADHYA PRADESH)**

**2. MALLOO W/O LATE GORELAL
AHIRWAR OCCUPATION:
HOUSE WIFE R/O VILLAGE
IMLIYA TAHSIL RAJNAGAR
DISTRICT CHHATARPUR
(MADHYA PRADESH)**

.....RESPONDENTS

(NONE)

This petition coming on for admission this day, the court passed the following:

ORDER

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

- i) to call for the relevant record pertaining to the subject matter for kind perusal of this Honourable Court.
 - ii) to issue a writ in the nature of Certiorari for quashing the order impugned dated 9.1.2024 passed in case No.352/A-6/2021-22 by Additional Commissioner Sagar Division Sagar MP as per Ann.P/1 as well the order passed by Naib Tahsildar dated 16.6.2020 passed in case No.342/A-6/2019-2020 as per Ann.P/4 and order dated 26.7.2021 passed in case No.25/appeal/2020-21 by the Sub Divisional Officer, Rajnagar, District Chhatarpur, as per Ann.P/5.
 - iii) Any other relief which this Honourable Court deems fit and proper under the facts or circumstances of this case may also be passed together cost of the petition.
2. It is fairly conceded by counsel for the petitioner that the property was purchased in violation of provisions of section 165(7-b) of the M.P. Land Revenue Code and, therefore, there is no infirmity in the orders passed by the authorities below. The petitioner has filed an application for grant of permission, which is pending before the Collector and thus the Collector may be directed to decide the said application.
 3. Heard the learned counsel for the petitioner.
 4. Since the transaction in question is bad on account of violation of section 165(7-b) of the M.P. Land Revenue Code, therefore, it is held that the authorities below did not commit any mistake by declaring the said transaction as void on account of said violation.
 5. So far as subsequent application for grant of permission is concerned, since the same is pending, therefore, this Court would not like to dwell

upon the application and it is left open for the Collector to decide as to whether the application is maintainable or not.

6. Since no jurisdictional error was committed by the authorities below, no case is made out warranting interference.
7. The petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

HS