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

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 22nd OF MARCH, 2024

WRIT PETITION No. 7126 of 2024

BETWEEN:-

**NARENDRA KUMAR NIGAM S/O LATE SHRI P L NIGAM,
AGED ABOUT 50 YEARS, OCCUPATION: PATWARI H. NO.
10 CHANDLA DISTRICT CHHATARPUR (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI PRAVEEN KUMAR VERMA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY REVENUE DEPARTMENT
VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
- 2. COLLECTOR, CHHATARPUR DISTRICT
CHHATARPUR (MADHYA PRADESH)**
- 3. TEHSILDAR, CHANDLA, DISTRICT CHHATARPUR
(MADHYA PRADESH)**
- 4. MR AAYODHAYA PRASAD PATEL PATWARI NO 20
BARGIYAPUKHARI CHHATARPUR (MADHYA
PRADESH)**
- 5. SMT SHOBHA KHATIAK PRESIDENT, NAGAR
PARISHAD CHANDLA DISTRICT CHHATARPUR
(MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE)
.....

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

ORDER

Petitioner's contention is that he is a victim of transfer at the instance of

the private respondent No.5 Smt. Shobha Khatik R/o Nagar Paishad Chandra, District Chhatarpur, who had made a recommendation for transfer of the petitioner vide Annx.P/9 and acting on that recommendation, Tahsildar passed the impugned order.

It is submitted that Tahsildar has no authority to pass order of transfer as the appointing authority of the Patwari is Sub Divisional Officer. It is submitted that since Tahsildar has no authority, therefore, the impugned order apart from suffering from the *mala fide* is also illegal.

Shri Manas Mani Verma, Government Advocate, on instructions from the Sub Divisional Magistrate Chhatarpur, submits that the proposal of Tahsildar was approved by the Sub Divisional Magistrate.

However, fact of the matter is that impugned order of transfer was passed by an incompetent authority i.e. Tahsildar and, therefore, proposal being not mooted by the Sub Divisional Officer, merely approval of a proposal is not sufficient as the competent authority to transfer a Patwari is Sub Divisional Magistrate or the Collector and not the Tahsildar.

Accordingly, impugned order dated 13.03.2024 (Annx.P/7) so far as it relates to the petitioner is hereby quashed. Respondents will be at liberty to pass a fresh order, in accordance with law.

Petition is allowed and disposed of.

(VIVEK AGARWAL)
JUDGE