

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 3834 of 2026

(CHILDRENS EDUCATION SOCIETY REGD AND OTHERS Vs THE STATE OF MADHYA PRADESH AND
OTHERS)

Dated : 05-02-2026

*Shri Arpan Pawar - Senior Advocate with Shri Chiranjeev Sharma -
Advocate for petitioners.*

Shri V.S. Choudhary - Govt. Advocate for respondents/State.

Shri Piyush Bhatnagar - Advocate appears for respondents No.3 to 5.

Issue notice to the respondents on payment of process fee within seven working days by RAD mode, failing which the petition shall stand dismissed without further reference to the Court.

Heard on the question of interim relief.

Counsel appearing for the petitioners has pointed out that in pursuance to the Sick Textile Undertakings (Nationalization) Act, 1974, the land in question stood transferred to the National Textile Corporation and thereafter the same has merged with the Central Government. The State authorities are having no right to take any initiative and pass any order with respect to the land in question because the land is under jurisdiction of the Central Government. On earlier occasion, the action was taken by the State authorities with respect to the same land, for which a writ petition being WP No. 3364 of 2024 was filed by Burhanpur Tapti Mills Burhanpur, a Unit of National Textile Corporation Limited and on 28.01.2024, an interim order was passed by this Court observing as under :

"Learned counsel for the petitioner contends that the Tehsildar under

Section 264 of the M.P Land Revenue Code has no Jurisdiction to cancel the lease deed inasmuch as that as per notice under Section 3 of the Sick Textile Undertaking (Nationalization) Act, 1974, the land already stood vested in the Central Government. The name of the petitioner was duly shown in the First Schedule prepared in terms of Section 3 of the Act, whereby acquisition of rights of the owner in respect of sick textile undertaking was made in qua different sick units.

Issue notice to respondents.

Shri B.D Singh -Deputy Advocate General accepts notice on behalf of the respondents no.1 to 3/State and seeks time to file reply.

Till the next date of hearing, status quo regarding possession be maintained.

.."

It is submitted that the matter is still pending adjudication before this Court.

There is a specific observation by this Court that the State authorities have no jurisdiction to pass any order with respect to the land in question. The respondents are well aware of the same as the reply has already been filed in that writ petition by the State authorities. Despite the same, the Collector has passed the impugned order dated 09.12.2025 (Annexure P/14) directing for vacating of the land in question by the petitioner/school.

It is submitted that the school has been constructed and is functioning since 1964-65 and as many as 4500 students are pursuing their studies in the said school. The land was given to the School authorities by Burhanpur Tapti Mills and since then they are in possession of the land in question.

It is argued that once the matter is *sub judice* before this Court as well as the fact that the State authorities have no jurisdiction to pass any order with respect to the land in question then how the impugned order is passed by the Collector Burhanpur.

State counsel has failed to explain the same but he fairly submits that

WP No. 3364 of 2024 is pending adjudication wherein reply has been filed by the State authorities.

Under these circumstances, the effect and operation of the impugned order dated 09.12.2025 is stayed till the next date of hearing.

Let a show cause notice be issued to respondent No.2/Collector District Burhanpur (M.P.) that why he should not be dealt with under the contempt proceedings for issuing such order despite being aware of the fact that the *lis* is pending adjudication before this Court with respect to the land in question wherein there is a clear observation by the Court that State authorities are having no jurisdiction to pass any order with respect to the land in question.

Let response from Collector District Burhanpur be filed by next date of hearing.

List the matter on 24.02.2026 along with WP No. 3364 of 2024 for analogous hearing.

(VISHAL MISHRA)
JUDGE