

(2020) 09 MP CK 0190

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 2499 Of 2020

Awadesh Pachori

APPELLANT

Vs

Rishi Kumar Pachori And Others

RESPONDENT

Date of Decision : 21-09-2020

Acts Referred:

Madhya Pradesh Land Revenue Code, 1959 — Section 52

Citation : (2020) 09 MP CK 0190

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : Brijesh Choubey, Dilip Parihar

Final Decision : Disposed Of

Judgement

Petitioner has filed the present writ petition challenging order dated 1/9/2020 contained in Annexure P-6. By the said order, the order passed by SDO has been stayed under Section 52 of M.P. Land Revenue Code. Petitioner in this petition has challenged the interim order which has been passed by the Commissioner.

Counsel appearing for the petitioner submitted that there is a judgment and decree passed by Civil Court in his favour and SDO has rightly considered the same and after narrating facts and mentioning reason has allowed the appeal of the petitioner for mutation of his name in revenue records. Commissioner has wrongly interfered and stayed the order of SDO.

Petitioner has challenged the interim order, which has been passed by the Commissioner. It is submitted by the petitioner that he had filed a caveat application before the Commissioner, but without giving him opportunity to oppose application for stay, interim relief has been granted in favour of private respondent, which is contrary to law. Commissioner has also not considered the facts and law properly and passed the stay order in favour of private respondent.

After arguing for some time, counsel appearing for the petitioner submitted that both the parties have already appeared before the Additional Commissioner,

therefore, Additional Commissioner may be directed to decide the appeal within a limited time frame.

In view of aforesaid prayer made by counsel for the petitioner, this misc. petition is disposed of with a direction to Additional Commissioner Jabalpur to decide the appeal filed by the respondents no.1 and 2 by passing a reasonable and speaking order within a period of 30 days from the date of receipt of certified copy of the order passed today. It goes without saying that no unnecessary adjournment will be given in the matter.

With the aforesaid direction, this Misc. Petition is disposed of.

Certified copy as per rules.