(2025) 12 MP CK 1976

In the Madhya Pradesh High Court, Indore Bench

Case No : Writ Petition No. 47028 Of 2025

Mohan Bagdi APPELLANT

Vs

State Of Madhya Pradesh And Others RESPONDENT

Date of Decision : 02-12-2025

Acts Referred:
Madhya Pradesh Land Revenue Code Act, 1959 — Section 32, 44(2), 107

Citation : (2025) 12 MP CK 1976

Hon'ble Judges : Pranay Verma, J

Bench : Single Bench

Advocate : Akash Rathi, Sudarshan Joshi

Final Decision : Dismissed

Judgement

Pranay Verma, J

1. This petition has been preferred by the petitioner being aggrieved by an order dated 28.10.2025 (Annexure P/1) passed by the Sub Divisional Officer (Revenue), Khilchipur, District Rajgarh whereby the appeal preferred by respondent No.4 against the order dated 17.04.2025 passed by the Tehsildar, Khilchipur has been allowed.

2. The order was passed by the Tehsildar in respect of Sub Division in the revenue map. Though no provision has been mentioned in the impugned orders but Sub Division in a revenue map would be referable to Section 107 of M.P. Land Revenue Code, 1959. Though it has been contended by the learned counsel for the petitioner that the order has not been passed under any provision of the Code but under Section 32 thereof in exercise of inherent power but in my opinion the same is not so. The order was passed under Section 107 of the Code and in any case is an original order passed thereunder.

3. Though it has been contended that respondent No.5 had no right to prefer an appeal since he was not a party before the Tehsildar but it is observed that before the Tehsildar respondent No.5 had filed an objection which had been

rejected. Thus he was very much a party to the proceedings and cannot be said to be a total stranger. If appeal has been preferred by him which has been decided it cannot be said that the appellate order is without jurisdiction having been passed without granting any leave to prefer appeal.

4. Since the order passed by the Tehsildar is an original order passed under the Code the order passed in First Appeal arising therefrom is amenable to be subjected to Second Appeal under Section 44 (2) of the Code before the second appellate authority.

5. Thus in view of the aforesaid, this petition against the order dated 28.10.2025 is declined to be entertained and is accordingly dismissed reserving liberty to the petitioner to avail the remedy as may be available to him under the law. However it is made clear that this Court has not expressed any opinion on merits of the case.