
(2014) 07 MP CK 0064
In the Madhya Pradesh High Court
Case No : WP No. 4247/2014

Nihal Singh

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 21-07-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 07 MP CK 0064

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : V.S. Chouhan, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Sujoy Paul, J.—Heard.

2. By filing this petition under Article 226 of the Constitution, the petitioner has prayed for allotment of 100 bighas land situated at Mauja Bilaua for the purpose of establishing "Gaushala".

3. Shri V.S. Chouhan, learned counsel for the petitioner advanced singular contention that the petitioner's representation, Annexure P/1 (Page 9) dated 24.7.2013 is pending consideration before the respondent No. 6 and said authority be directed to decide it by taking into account Government Circulars on the subject within a stipulated time.

4. Prayer is opposed by the other side.

5. I have heard learned counsel for the parties and perused the record.

6. On perusal of the record, it appears that similar petitions were filed before the writ court. Writ Petition No. 3957/2013 (Ramkumar Singhal vs. State of MP and others) was dismissed by writ court on 21.6.2013. Against that, Writ Appeal No. 295/2013 (Ramkumar Singhal vs. State of MP and others) was filed, which was also decided on 22.7.2013. A bare perusal of the order of Division Bench shows

that the order of writ court was affirmed and writ appeal was dismissed with the observation that if the appellant files any application as office bearer of listed "Gaushala" or environmental society, then the authorities of State are directed to consider such application in accordance with the prescribed procedure. The relevant portion of the order of Division Bench reads as under:-

The aforesaid scheme which is part of Annexure P-7 is prepared by the State of M.P. for development of Goshala. It is undisputed that the petitioner is not a Goshala. Even he is not office bearer of such Goshala. Apart from this, no document has been put forth on record to show that for environmental purposes the petitioner is having any entitlement for allotment of such land. In such premises, the petitioner does not have any locus standi to apply to the authorities of the respondents for allotment of land for Goshala or environmental purposes. With these observations, we have not found any error, illegality, infirmity or anything against the propriety of law in the order impugned passed by the Single Bench of this Court. Consequently, by affirming such order, this appeal is hereby dismissed. However, in the available circumstances, it is observed that if the appellant filed any application as office bearer of listed Goshala or the environmental society, then the authorities of the respondents are directed to consider such application in accordance with prescribed procedure under the law.

7. A simple reading of this order makes it clear that no error was found by the Division Bench in the order of writ court whereby writ petitions were dismissed. The only observation which may be of some assistance to somebody is also available only when it is shown that the applications are filed as officer bearer of listed "Gaushala" or environmental society.

8. The representation which is sought to be decided is preferred by the petitioner. It does not contain any averment nor shows that it is preferred by the petitioner in the capacity of office bearer of listed "Gaushala"/environmental society. Thus, even the observation of Division Bench is of no help to the petitioner.

9. In the result, no interference is warranted by this Court. Petition is meritless and is hereby dismissed.