
(2013) 07 MP CK 0134
In the Madhya Pradesh High Court
Case No : Writ Appeal No. 291 of 2013

Onkar Singh Baghel

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 07 MP CK 0134

Hon'ble Judges : U.C. Maheshwari, J;Anil Kumar Sharma, J

Bench : Division Bench

Advocate : V.S. Chouhan, for the Appellant; M.P.S. Raghuwanshi, Learned Additional A.G., for the Respondent

Final Decision : Dismissed

Judgement

1. The appellant has filed this Intra Court Appeal under Clause 2 of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam 2005 being aggrieved by the order dated 21.6.2013 passed by the Single Bench of this court in W.P. No. 3960/2013 whereby his petition filed under Article 226 of the Constitution of India for issuing a writ in the nature of Mandamus or other appropriate writ directing the respondents - authorities to allot the land for plantation of trees and environmental purposes has been dismissed holding that the petitioner is not having any legal right in this regard. Appellant's counsel after taking us through the averments of the petition, papers placed on record by referring Annexure P-7, which are different circulars of State Government in respect of Nazul Bhumi including some scheme regarding Goshala argued that as per decision of the State Government, the respondents - authorities are bound to allot the land for Goshala purposes and prayed to set aside the order of Single Bench and allow this appeal by admitting and allowing the same.

2. Having heard the counsel, keeping in view his arguments, We have carefully gone through the petition as well as papers placed on record. 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 fourth 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.

3. The appeal is dismissed with aforesaid observation. Cc as per rules.