
(2021) 01 MP CK 0026

In the Madhya Pradesh High Court

Case No : Writ Petition No. 20811 Of 2020

Rakesh Kumar Pandey

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 — Section 11

Citation : (2021) 01 MP CK 0026

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : Manish Kumar Soni, Manish Kholiya

Final Decision : Disposed Of

Judgement

Vishal Dhagat, J

State. Petitioner has filed the present writ petition being aggrieved by order dated 28.02.2018. By said order, application of petitioner for mutation has been rejected.

Counsel appearing for petitioner submitted that petitioner has purchased the land on 13.09.2017. On said date, no notification has been issued by the

State Government for acquisition of land. Transfer of land is barred only after notification under Section 11 of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Since on the date of purchase, there was no notification, therefore, no bar has come into play. Learned Tehsildar has committed an error of law in

dismissing the application filed by petitioner for mutation on the ground that Collector has issued a letter that no mutation proceedings shall be done and

there is bar under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Tehsildar has failed to take into consideration the date on which petitioner has purchased the land only because of directions of Collector, Tehsildar

has rejected the application filed by the petitioner.

Counsel appearing for petitioner submitted that an identical writ petition has been disposed of by this Court vide order dated 02.03.2020 and

remanded back to Tehsildar for passing a fresh order in accordance with law. Counsel appearing for petitioner submitted that though there is an

alternate remedy to file an appeal but no useful purpose will be served in filing of appeal before S.D.O. as there is direction of Collector to Tehsildar

dated 25.11.2017 that mutation proceedings is not to be initiated in respect of land back to Tehsildar to consider it afresh.

Counsel for the State raised objection for aforesaid prayer. Considering the facts and circumstances of the case, order dated 28.02.2018 is quashed,

matter is remanded back to Tehsildar for fresh consideration as per law. Tehsildar shall consider the evidence placed before him and also consider the

date on which notification is issued under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013.

If petitioner has purchased the property in question before the notification under the aforesaid Act, then Tehsildar shall consider the matter and

proceed as per law for purpose of mutation.

With the aforesaid direction, writ petition is disposed of.

C.C. as per rules.