

(1999) 08 MP CK 0012
In the Madhya Pradesh High Court
Case No : M.P. No. 1330 of 1991 (J)

Shri Ramlala Mandir

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 06-08-1999

Acts Referred:

Constitution of India, 1950 — Article 226
Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 — Section 3
Madhya Pradesh Public Trust Act, 1951 — Section 7

Citation : (2000) 1 MPJR 416

Hon'ble Judges : Saraswati Prasad Khare, J

Bench : Single Bench

Advocate : L.S. Baghel, with G.S. Baghel, for the Appellant; Ku. Tanu Tandon, Advocate for state, for the Respondent

Final Decision : Dismissed

Judgement

S.P. Khare, J.

This is a petition under Article 226 of the Constitution of India challenging the order dated 7.7.1989 (Annexure P-1) of the Respondent No. 5 by which 51.42 acres of land held by the Petitioner has been declared to be surplus under the M.P. Ceiling on Agricultural Holdings Act, 1960 (hereinafter to be referred to as the Act). The attempt of the Petitioner to assail this order in appeals and revision before the Respondent No. 2 to 4 has failed.

The Petitioner is a Public Trust. It was registered by the Registrar under the M.P. Public Trust Act, 1951 on 20.1.1979. It was initially registered by order dated 11.6.1970 but that order was set aside by the High Court in a Writ Petition by order dated 24.12.1971. The Respondents have taken the view that the Petitioner Trust was not registered on or before 1.1.1971 and therefore, It is not eligible to exemption u/s 3 of the Act. After hearing the learned Counsel for both the sides, this Court is also of the opinion that the view taken by the Revenue Authorities is correct. It was lukewarmly argued on behalf of the Petitioner that

the registration of the Trust on 20.1.1979 will related back to the date of the original application. That argument has no force. The registration becomes effective from the date of the order of registration as per Section 7 of the M.P. Public Trust Act, 1951 and not with any retrospective effect or from the date of application.

The petition is dismissed. The Petitioner may give the option as per impugned order dated 7.7.1989 regarding the lands which the Petitioner wants to surrender.