
(2003) 11 MP CK 0036
In the Madhya Pradesh High Court
Case No : Writ Petition No. 9503 of 2003

Smt. Pramila Bai and Others

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 06-11-2003

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2004) 2 MPHT 119

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Advocate : A.K. Sethi, for the Appellant;

Final Decision : Dismissed

Judgement

A.M. Sapre, J.—It is a writ filed under Article 227 of the Constitution of India by the petitioner seeking quashing of the revisionary order, dated 22-6-2002 (Annexure P-9), passed by Board of Revenue which in its turn affirms the order, dated 14-6-2000, passed by Commissioner (Annexure P-6) arising out of an order, dated 22-6-1996 (Annexure P-2), passed by S.D.O., Indore.

2. In all these proceedings, the lower authorities while suo motu initiating the proceedings against the proceedings in relation to land in question held that the land was not allotted to the petitioners in accordance with the rules applicable for allotment of land. In other words, it was noticed and then eventually held in the inquiry that there were several irregularities committed by the granting authority while allotting the land to the petitioners. Notice of such cancellation of allotment was served on the petitioners. They filed reply. As taken note of supra, the S.D.O. then Commissioner as an Appellate Court and lastly Board of Revenue as Revisionary Court held that the alleged allotment of land which had vested in the State under the provisions of Agricultural Ceiling Act was not properly allotted. It is these finding which are sought to be assailed by the petitioner in this writ filed under Article 227 of the Constitution of India.

3. Heard Shri A.K. Sethi, learned Counsel for the petitioner on the question of admission.

4. In my view, the petition has no merit. In substance, the submission while attacking the proceedings was that suo motu exercise of power could not have been resorted to in the facts of this case after the lapse of three years from the date of allotment of land. This submission has no merit. The question of invoking suo motu power is not static. It depends upon facts and circumstances of each case. Indeed, this is also the view of the Supreme Court on this point in several cases. So the Courts can not quash the impugned orders on the ground that suo motu exercise of power was bad.

5. As a matter of fact, if the authorities come to know that the allotment made by the competent authority is against the rules and that it has caused loss to State then, naturally there are no fetters on the powers of the competent authority to invoke its suo motu powers and cancel such illegal allotments. In my view, thus, all the authorities were justified in upholding the action taken pursuant to exercise of suo motu powers in the facts of the case.

6. So far as the irregularities and illegalities in allotment of land are concerned, the same does not call for any interference for the reason that each and every irregularity was in detail dealt with by the Commissioner in his appellate order, dated 14-6-2000 (Annexure P-6) and upheld. In other words, it was rightly held that there does exist irregularities in allotment of land to the petitioners and the same could not have been rectified. This issue thus, also does not need any discussion because once, it is held that allotment of land was not as per rules applicable to allotment then the same has to be quashed.

7. I, thus, do not find any merit in this writ. All the orders concurrently took the view properly. It deserves to be upheld. It is, thus, upheld.

8. Petition, thus, fails and is dismissed in limine.