



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI

ON THE 31st OF OCTOBER, 2022

WRIT PETITION No. 23411 of 2022

BETWEEN:-

**RAM KISHAN PATEL S/O LATE SHRI
ISHWARDAYAL PATEL, AGED ABOUT 70 YEARS,
OCCUPATION: AGRICULTURIST R/O OSHO
ASHTRAM, VILLAGE GOTEAGAON, TEH,
GOTEAGAON, DISTT. NARSINGHPUR (M.P.)
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI K.K.PANDEY - ADVOCATE)

AND

- 1. STATE OF M.P. THROUGH ITS PRINCIPAL
SECRETARY REVENUE DEPARTMENT
VALLABH BHAWAN BHOPAL (M.P.) (MADHYA
PRADESH)**
- 2. COLLECTOR JABALPUR DISTRICT JABALPUR
(MADHYA PRADESH)**
- 3. REVENUE DEPARTMENT THROUGH ITS
CEILING CELL OFFICER MRIGYENDRA SINGH
REVENUE DEPARTMENT COLLECTORATE
OFFICE DISTRICT JABALPUR EARLIER POSTED
SDO REVENUE DEPARTMENT DISTRICT
JABALPUR (MADHYA PRADESH)**
- 4. REVENUE DEPARTMENT THROUGH ITS SUB
DIVISIONAL OFFICER P.K. SENGUPTA REVENUE
DEPARTMENT JABALPUR DISTRICT JABALPUR
(MADHYA PRADESH)**
- 5. TEHSILDAR JABALPUR PANAGAR DISTRICT
JABALPUR (MADHYA PRADESH)**
- 6. GHANSHYAM DAS S/O PRATIMAL, AGED
ABOUT 58 YEARS, RESIDENT GRAM
BHARTHANI TEHSIL PATAN DISTRICT
JABALPUR (MADHYA PRADESH)**



7. **KHET SINGH S/O CHOTELAL, AGED ABOUT 53 YEARS, RESIDENT GRAM BHARTHANI TEHSIL PATAN DISTRICT JABALPUR (MADHYA PRADESH)**
8. **OM PRAKASH MISHRA S/O VISHWANATH MISHRA RESIDENT 252A TRIMURTI NAGAR NEAR AGHORI BABA MANDIR RAJEEV GANDHI WARD DISTRICT JABALPUR (MADHYA PRADESH)**
9. **SMT. UMADEVI MISHRA W/O LATE SHRI VISHWANATH MISHRA, AGED ABOUT 52 YEARS, RESIDENT SHASTRI CHOWK DISTRICT SATNA (MADHYA PRADESH)**
10. **RAVI PRAKASH MISHRA S/O LATE SHRI VISHWANATH DATT MISHRA, AGED ABOUT 50 YEARS, RESIDENT SHASTRI CHOWK DISTRICT SATNA (MADHYA PRADESH)**
11. **JAY PRAKASH MISHRA S/O LATE SHRI VISHWANATH DATT MISHRA, AGED ABOUT 52 YEARS, RESIDENT SHASTRI CHOWK DISTRICT SATNA (MADHYA PRADESH)**

.....RESPONDENTS

**(RESPONDENTS/STATE BY SMT.GULABKALI PATEL -
GOVERNMENT ADVOCATE)**

**(RESPONDENT NO.8/CAVEATOR BY SHRI ABHIJEET AWASTHY -
ADVOCATE)**

.....
This petition coming on for admission this day, the court passed the following:

ORDER

By filing this petition, the petitioner has prayed for the following reliefs :-

i) Hon'ble court may kindly be pleased to direct the respondent no.1 to 4 to call the entire record regarding annexure P/1 to Annexure P/10C for kind perusal of this Hon'ble court.

ii) Hon'ble Court may kindly be pleased to set aside the impugned judgment and decree dated 24.4.1971 (annexure P/10C) issue no.25 which is decided by learned trial court by going beyond



the jurisdiction.

iii) Any other reliefs, which deems fit and proper be also awarded in favour of the petitioner.

Learned counsel for the petitioner contended that the petitioner is having ancestral property total area 28.40 hectares situated at village Pipariya Baniakheda, Tahsil and District Jabalpur. It is alleged that by playing fraud and on collusion with respondents no.6 and 7 filed a suit for possession against the petitioner's grand father and fraudulently impleaded father of respondents no.8, 10 and 11. The said civil suit was decided by the Civil Judge Class II.

Learned counsel for the respondents on caveat opposed the prayer and submitted that after decision on the civil suit, first appeal was filed which was also dismissed thereafter second appeal was filed which has also been decided and the matter has attained finality.

The prayer made in this writ petition cannot be granted since the judgment and decree dated 24.4.1971 has attained finality in the year 1975. The grandfather of the petitioner was a party to the suit and was granted full opportunity of hearing. The petitioner after lapse of about 52 years cannot assail the same by filing the writ petition. Moreover, the scope of Article 226 of the Constitution of India also does not permit this Court to entertain this writ petition. This Court has no jurisdiction to entertain this writ petition.

Heard learned counsel for the parties and perused the record.

This Court finds force in the submission advanced by learned counsel for the respondent/Caveator inasmuch as the prayer made in this petition cannot be granted to the petitioner in exercise of powers conferred under Article 226 of the Constitution of India.



Accordingly, this petition being bereft of merit and substance stands dismissed. Further cost of Rs.5,000/- is imposed upon the petitioner for filing such frivolous and misconceived petition. The cost be deposited with the M.P. High Court Legal Service Committee and the receipt thereof be produced before the Registry of this court which may be placed in the record of this petition.

HS



(S. A. DHARMADHIKARI)
JUDGE