

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.3511 OF 2004

STATE OF M.P. AND ORS. Appellant (s)

VERSUS

NILENDRA PRATAP SINGH Respondent(s)

WITH C.A.Nos.3512 to 3517 of 2004, 3521 to 3535 of 2004, 3537 to 3541 of 2004, 3543 to 3564 of 2004, 3566 to 3573 of 2004, 3577 to 3583 of 2004, 3588 to 3592 of 2004, 3594 to 3613 of 2004, 3614 to 3617 of 2004, 3619 to 3624 of 2004, 3565, 3593, 3618, 3584 to 3587, 3625, 3518 to 3520/2004.

ORDER

C.A.No.3625/2004:

Delink and list separately.

Rest of the appeals:

These are appeals by the State of Madhya Pradesh. The appellant State had allotted charnoi land to landless persons belonging to Scheduled Caste and Scheduled Tribes. According to the appellant, this was done as part of the implementation of the mandate contained under Article 46 of the Constitution of India. Various persons belonging to non-S.C./S.T.s filed writ petitions before the High Court of Madhya Pradesh alleging that the allotment of land exclusively to S.C.s/S.T.s was not proper and similar extend of land should be allotted to such persons. The High Court, by the impugned judgment, has held that the classification made by the State was not proper and others were also entitled to get allotment of land and ultimately the High

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Court has directed that the State shall endeavour to arrange land allotment equivalizing land allotted to the S.C.s/S.T.s and the unoccupied land shall thus be allotted to such persons. Though notice was served on the respondents, nobody has appeared when the case was called out. The appellant State has filed an affidavit on 29.1.2007 to the effect that the charnoi land is not going to be distributed to the landless persons under the Circular issued by the Revenue Department of the State Government earlier. On 13th October, 2008 the State Government has filed another affidavit, para 4 of which is quoted below :

"4. That the State Govt. has received several proposals wherein difficulties have been expressed and requests have been made for allotment of Nistar land including Charnoi for using the same for public utility purposes like construction of roads, State highways, national highways, canals, tanks, hospitals, schools, colleges, Goshalas and Abadi etc. Several villages are included in urban areas governed by M.P.Municipality Act and M.P.Municipal Corporation Act. Land recorded as Nistar including Charnoi land in such villages is not being used as Nistar and that such land is also required for various public utility projects in public interest and often no other appropriate government land is available for such projects. Realizing these difficulties, the State Govt. has reconsidered the matter and the following decisions have been taken -

- (i) Total land reserved for Charnoi will not be reduced below 2% in any village;
- (ii) Land reserved for Charnoi shall not be diverted and allotted to any one for agriculture purpose;
- (iii)The Charnoi land in excess of prescribed 2% and also land recorded under any other head of Nistar Patrak may be allotted in public interest for construction of roads, State highways, national highways, canals, tanks, hospitals, schools, colleges, Goshalas and Abadi and any other public utility projects as may be determined by the State Government."

In the said affidavit it was stated that the Charnoi land will not be reduced below 2% in any village and such land in

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excess of 2% and also the land recorded under any other head of Nistar Patrak may be allotted for public interest for construction of roads, State highways, national highways, canals, tanks, hospitals, schools, colleges, Goshalas and Abadi and any other public utility projects as may be determined by the State Government. Learned counsel appearing for the State Government has submitted that in view of this change, the State would not be in a position to comply with the direction of the High Court. In view of this undertaking/statement and fresh policy decision of the Government, the direction of the High Court about land allotment is modified and the appeals are disposed of accordingly. No costs.

.....CJI.  
(K.G. BALAKRISHNAN)

.....J.  
(P. SATHASIVAM)

NEW DELHI;  
FEBRUARY 5, 2009.

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SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3511 OF 2004

STATE OF M.P. AND ORS.

Appellant (s)

VERSUS

NILENDRA PRATAP SINGH  
(With office report )

Respondent(s)

WITH Civil Appeal NO. 3512 of 2004  
(With office report)

Civil Appeal NO. 3513 of 2004  
(With office report)

Civil Appeal NO. 3514 of 2004  
(With office report)

Civil Appeal NO. 3515 of 2004  
(With office report)

Civil Appeal NO. 3516 of 2004  
(With office report)

Civil Appeal NO. 3517 of 2004  
(With office report)

Civil Appeal NO. 3518 of 2004  
(With office report)

Civil Appeal NO. 3519 of 2004  
(With office report)

Civil Appeal NO. 3520 of 2004  
(With office report)

Civil Appeal NO. 3521 of 2004  
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Civil Appeal NO. 3522 of 2004  
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Civil Appeal NO. 3523 of 2004  
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Civil Appeal NO. 3524 of 2004  
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Civil Appeal NO. 3525 of 2004  
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Civil Appeal NO. 3526 of 2004  
(With office report)

Civil Appeal NO. 3527 of 2004  
(With office report)

Civil Appeal NO. 3528 of 2004  
(With office report)

Civil Appeal NO. 3529 of 2004

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(With office report)

Civil Appeal NO. 3530 of 2004  
(With office report)

Civil Appeal NO. 3531 of 2004  
(With office report)

Civil Appeal NO. 3532 of 2004  
(With office report)

Civil Appeal NO. 3533 of 2004  
(With office report)

Civil Appeal NO. 3534 of 2004  
(With office report)

Civil Appeal NO. 3535 of 2004  
(With office report)

Civil Appeal NO. 3537 of 2004  
(With office report)

Civil Appeal NO. 3538 of 2004  
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Civil Appeal NO. 3540 of 2004  
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Civil Appeal NO. 3541 of 2004  
(With office report)  
Civil Appeal NO. 3543 of 2004  
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Civil Appeal NO. 3544 of 2004  
(With office report)  
Civil Appeal NO. 3545 of 2004  
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Civil Appeal NO. 3546 of 2004  
(With office report)  
Civil Appeal NO. 3547 of 2004  
(With office report)  
Civil Appeal NO. 3548 of 2004  
(With office report)  
Civil Appeal NO. 3549 of 2004  
(With office report)  
Civil Appeal NO. 3550 of 2004  
(With office report)  
Civil Appeal NO. 3551 of 2004  
(With office report)  
Civil Appeal NO. 3552 of 2004  
(With office report)  
Civil Appeal NO. 3553 of 2004  
(With office report)  
Civil Appeal NO. 3554 of 2004  
(With prayer for interim relief)

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Civil Appeal NO. 3555 of 2004  
(With office report)  
Civil Appeal NO. 3556 of 2004  
(With office report)  
Civil Appeal NO. 3557 of 2004  
(With office report)  
Civil Appeal NO. 3558 of 2004  
(With office report)  
Civil Appeal NO. 3559 of 2004  
(With office report)

Civil Appeal NO. 3560 of 2004  
(With office report)  
Civil Appeal NO. 3561 of 2004  
(With office report)  
Civil Appeal NO. 3562 of 2004  
(With office report)  
Civil Appeal NO. 3563 of 2004  
(With office report)  
Civil Appeal NO. 3564 of 2004  
(With office report)  
Civil Appeal NO. 3565 of 2004  
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Civil Appeal NO. 3567 of 2004  
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Civil Appeal NO. 3568 of 2004  
(With office report)  
Civil Appeal NO. 3569 of 2004  
(With office report)  
Civil Appeal NO. 3570 of 2004

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Civil Appeal NO. 3571 of 2004  
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Civil Appeal NO. 3577 of 2004  
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Civil Appeal NO. 3578 of 2004  
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Civil Appeal NO. 3579 of 2004  
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Civil Appeal NO. 3580 of 2004  
(With office report)  
Civil Appeal NO. 3581 of 2004

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(With office report)  
Civil Appeal NO. 3582 of 2004  
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Civil Appeal NO. 3599 of 2004  
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Civil Appeal NO. 3602 of 2004  
(With office report)  
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 Civil Appeal NO. 3609 of 2004  
 (With office report)  
 Civil Appeal NO. 3610 of 2004  
 (With office report)  
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 Civil Appeal NO. 3622 of 2004  
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 Civil Appeal NO. 3623 of 2004  
 (With office report)  
 Civil Appeal NO. 3624 of 2004  
 (With office report)  
 Civil Appeal NO. 3625 of 2004  
 (With office report)

Date: 05/02/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

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HON'BLE MR. JUSTICE P. SATHASIVAM

For Appellant(s) Mr. B.S. Banthia, Adv.  
 Mr. Vikas Upadhyay, Adv.

Ms. Vibha Datta Makhija, Adv.(NP)

For Respondent(s) Rr-Ex-Parte

Ms. Pratibha Jain, Adv.(NP)

Mr. R.D. Upadhyay, Adv.(NP)

Mr. T.N. Singh, Adv.(NP)

Mr.Gaurav Sharma,Adv.  
For Mr. Maninder Singh, Adv.

Mr. Balraj Dewan, Adv.(NP)

Mrs.K. Sarada Devi, Adv.(NP)

Mr. Debasis Misra, Adv.(NP)

Mr. Niraj Sharma, Adv.(NP)

Mr. Shankar Divate, Adv.(NP)

Dr. (Mrs.) Vipin Gupta, Adv.(NP)

UPON hearing counsel the Court made the following  
ORDER

C.A.No.3625/2004:

Delink and list separately.

Rest of the appeals:

The appeals are disposed of, in terms of the signed order. No  
costs.

(G.V.Ramana)

(Veera Verma)

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Court Master  
(signed order is placed on the file)

Court Master