



application was not presented as per Rule 4 of the M.P. Public Trust Rules, 1962.

4. The first appellant had thereafter preferred a review petition before the Collector which was dismissed vide order dated 9<sup>th</sup> November 2006 on the ground of lack of jurisdiction.
5. The first appellant and some others had thereafter preferred Writ Petition No. 18499 of 2006 before the High Court of Judicature at Jabalpur, Madhya Pradesh, which was disposed of vide order dated 14<sup>th</sup> December 2006, the operative portion of which reads as under:

“Shri Prasshant Singh, learned Counsel for the Petitioners stated that the Registrar has not made entries of the findings in the register, as required under Section 7 and consequently, the Petitioner has (*sic*) been unable to institute the civil suit.”

In view of the aforesaid provisions of M.P. Public Trusts Act, 1951, this Petition is disposed of with the direction that Respondent No.3 shall make compliance of section 6 and 7 of the said Act and shall further supply certified copies of the entries of the register against Annexure P-6 or otherwise in accordance with law within a reasonable time.”

6. Thereupon, the Registrar, instead of complying with the directions, initiated fresh inquiry and had passed order dated 13<sup>th</sup> February 2007 directing registration of the Trust and thereby had taken a completely contrary view reviewing the earlier order dated 28<sup>th</sup> March 2005.
7. Consequently, one of the private respondents had preferred Writ Petition No. 3623 of 2007 before the High Court, which had been allowed by the

impugned order dated 20<sup>th</sup> June 2008, *inter alia*, recording that the Registrar Public Trust and Sub Divisional Officer, Damoh had acted contrary to law in reviewing the earlier order dated 9<sup>th</sup> November 2006 and this was also not the mandate behind the directions given in the earlier order dated 29<sup>th</sup> March 2005 passed by the High Court in Writ Petition No. 18499 of 2006.

8. Having heard counsel for the parties, we are of the view that the impugned order does not require any interference, except clarifying that the impugned order had the effect of setting aside the order dated 13<sup>th</sup> February 2007 passed by the Registrar, Public Trust, Damoh. It would not affect the order dated 14<sup>th</sup> December 2006 of the High Court passed in Writ Petition No. 18499 of 2006, operative portion of which has been quoted above. The Registrar, Public Trust, would accordingly proceed in accordance with law.
9. We would, in the facts of the present case, reject the contention of the appellants that the private respondents should have preferred a civil suit under Section 8, if they wanted to challenge the order dated 13<sup>th</sup> February 2007 and that the writ petition should not have been entertained in view of the peculiar facts of the present case and as the first order dated 28<sup>th</sup> March 2005 rejecting the application of the appellants under Section 5 has not been set aside; the authorities could

not have been reviewed and taken a different view, and the authority had completely misconstrued the effect of the directions given by the High Court in Writ Petition (Civil) No. 18499 of 2006 vide order dated 14<sup>th</sup> December 2006.

10. Counsel for the appellants has submitted that the appellants should be given liberty to file a civil suit under Section 8 of the Act, while learned senior counsel appearing for the private respondents has stated that the civil suit would be barred by limitation as certain misstatements have been made. We do not make any comments in this regard. We have already directed the authorities to proceed in accordance with law. It will be open to the party to take recourse to appropriate remedies as may be available in case they are aggrieved by the order passed by the authorities pursuant to this present order.
11. Recording the aforesaid, the civil appeals are disposed of without any order as to costs.

.....J.  
(N.V. RAMANA)

.....J.  
(SANJIV KHANNA)

.....J.  
(KRISHNA MURARI)

**NEW DELHI;  
SEPTEMBER 24, 2019.**

ITEM NO.107

COURT NO.3

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).5264-5265/2010

AJAY MASIH & ANR.

Appellant(s)

VERSUS

JULIOUS PRASAD AND ORS.ETC.

Respondent(s)

Date : 24-09-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Appellant(s) Ms. Swarupama Chaturvedi, Adv.  
Ms. Babita Yadav, Adv.  
Mr. Ankit Raj, Adv.  
Mr. Amit Sharma, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. R. C. Kohli, AOR

For Respondent(s) Mr. Harin P.Rawal, Sr.Adv.  
Ms. Charu Ambwani, AOR  
Mr. Aditya Dev Trigana, Adv.  
  
Ms. Tanvi Bhatnagar, Adv.  
Mr. Harsh Parashar, AOR  
  
M/S. Ap & J Chambers, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The civil appeals are disposed of without any order as to  
costs in terms of the signed order.

(SATISH KUMAR YADAV)  
AR-CUM-PS

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)