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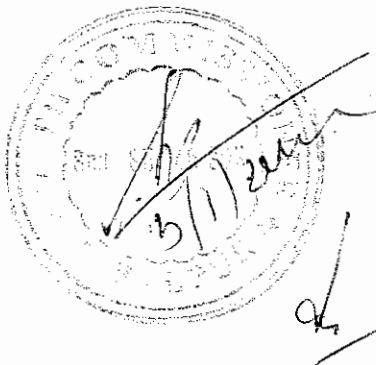
IN THE HIGH COURT OF JUDICATURE AT JABALPUR, M.P.

WRIT PETITION NO. 2632 OF 2000.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA.

PETITIONERS

- .. 1. CHHABIL DAS, son of Maksoodan,
aged about 54 years, Kotwar of
Kosagondi, Tehsil Gurur, District
Durg, M.P.
2. DHARUV RAM Son of Chohan, aged 50 yrs.,
Kotwar of Pikripar,
3. ROOPDAS, son of LALDAS, aged 42 years,
Kotwar of Tilkhari,
4. TUKARAM, son of SALIYA, aged 55 years,
Kotwar of village Khertha,
5. GAUTAM RAM, S/o Gulam, age 40 years,
Kotwar of Dadeshara,
6. BALLURAM, S/o Rameshar, age 40 years,
Kotwar of village Ozjagahan,
7. UMESH KUMAR, S/o fakira singh, 30 years,
Kotwar of DOTOPAR,
8. CHETANRAM, S/o Shitadas, age 40 years,
Kotwar of village Sangli,
9. ASHWANI KUMAR S/o Gangaram, 28 years,
Kotwar of village Sangli-No.2,
10. HULAS Son of Ram Gulam, age 36 years,
Kotwar of village Basim,
11. RAMGOPAL S/o MENHGOO, aged 45 years,
Kotwar of village Titurgahan ,
- All the above petitioners are of
Tehsil Gurur, District Durg, M.P.



VERSUSRESPONDENTS ..

1. The State of Madhya Pradesh through Secretary, in the Department of Revenue, Government of M.P., Vallabh Bhawan, BHOPAL, M.P.
2. The Collector of District Durg, at DURG, M.P.

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आदेश पत्रक

W.P.No. 2632/2000

मामला क्रमांक 200

विरुद्ध

आदेश का दिनांक और क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>30-10-2001</u></p> <p>Shri Ashok Das Vaishnava, learned counsel for the petitioners.</p> <p>Shri Deep Kesharwani, learned Govt. Advocate for the State/respondents.</p> <p>Return has been filed.</p> <p>Heard.</p> <p>The case of the writ petitioners is that prior to 1950 the predecessors of the writ petitioners were in possession of some lands which are now in possession of the writ petitioner s. It is further contended that the possession of the lands in question has been uninterrupted and continuous. The lands in question are clearly recorded in the Jamabandi i.e. revenue land record in the names of the predecessors of the writ petitioners. The petitioners are presently working as Kotwars. They are not claiming the said lands which are recorded in Jamabandi vide Annexure-P/12 on the basis that they are Kotwars but on the basis that such lands have been granted by competent authority to the predecessors prior to 1950.</p>	

[पाठ देखें]

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आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>On perusal of the return filed on behalf of the respondents it appears that the fact of possession is not controverted. It is contended in paragraph 4 of the return that certain actions have been taken by the revenue authorities in granting Bhumiswami rights in favour of some of the Kotwars, ^{but} certain action is being contemplated.</p> <p>Learned counsel for the petitioners submit that having been in continuous possession of the lands in question for such a very long time even on humanitarian consideration the petitioners should be given Bhumiswami rights. It is also further contended that in another case vide Writ Petition No.2064 of 2000 disposed of on 03/05/2001 such direction was issued by this Court in respect of 36 Kotwars. It is further contended that even otherwise village Kotwars are also entitled to get some lands as Kotwars.</p> <p>According to Shri Deep Kesharwani a village Kotwar is entitled to ten acres of land. The petitioners are in possession of the lands recorded in Annexure-P/12 inasmuch as those lands were in possession of their predecessors who were also village Kotwars.</p>	

