

WP-3948-2016

(GANESH Vs THE STATE OF MADHYA PRADESH)

30-06-2016

Shri Manoj Manav, learned counsel for the petitioners.

Shri Romesh Dave, learned counsel for the respondent/State.

Heard finally with consent.

This writ petition has been filed by the petitioners challenging the order dated 31/5/2016 by which the respondent No.2 has refused to register the sale deed produced by petitioners on the ground that as per provisions of Section 165 (6-a) of MP Land Revenue Code, the sale deed can be registered only after obtaining permission from the competent authority.

The case of petitioners is that no permission under Section 165(6-a) of the Code is required and that respondent No. 2 has passed the impugned order without giving an opportunity of hearing to the petitioner.

When the matter is taken up today, counsel for petitioners has submitted that the issue involved in the present case is squarely covered by the order of this Court dated 25th September 2013 in the matter of **Kiran Khode Vs. State of MP & others** passed in **WP No. 10704/2013**.

Counsel for respondent/State has not disputed this aspect of the matter.

This court in the matter of Kiran Khode (supra) has held as under:-

â€œ3. From perusal of record, it appears that while refusing to register the document neither any opportunity of hearing was given to the petitioner nor

documents which were filed before this court were not before respondent No.2. In view of this, petition filed by the petitioner is disposed of with a short direction that upon production of copy of the order passed by this court and also with necessary documents which are annexed with the petition alongwith copies of law laid down in the matter of **Kamal Singh and Babulal (supra)** are submitted before the respondent No. 2, then, the respondent No. 2 shall either allow the petitioner to get the sale deed executed or shall assign the reason why the petitioner is not entitled to get the sale deed executed. Needful be done within four weeks from the date of receipt of copy of the order passed by this Court alongwith application and necessary documents.

4. With the aforesaid observations, petition stands disposed of.â□□

Keeping in view the submissions which have been made by the learned counsel for parties before this Court, the present writ petition is disposed of by holding that the directions which have been issued in the case of Kiran Khode (supra) will apply mutatis mutandis in the case of the present petitioners also and needful be done by respondent No. 2 within four weeks from the date of receipt of certified copy of this order alongwith application and necessary documents in terms of the order noted above.

The petition is accordingly disposed of.

Certified copy as per rules.

(PRAKASH SHRIVASTAVA)

JUDGE