

WP-1914-2017

*(THE STATE OF MADHYA PRADESH Vs CHETAN REALCON PVT. LTD. THRU. SANJAY S/O
RAMAVTAR GUPTA)*

28-04-2017

Parties through their counsel.

The petitioner has filed this present writ petition being aggrieved by the order dated 18/11/2013 passed by the Board of Revenue, by which the order of the Collector dated 24/07/2013 has been set aside.

At the outset, Shri Rohit Mangal, GA for the respondent submits that the order passed by the Board of revenue of similar nature came up for consideration before this Court in various writ petitions and Writ Appeal no. 23/2017 and vide order dated 22/04/2017, all the writ petitions and the writ appeal filed by the State have been dismissed.

Operative para of the order passed in W.A. no. 23/2017 dated 22/04/2017 is reproduced below :-

36 In the present case, admittedly, sale deeds were executed in 2007-08 and immediately thereafter various permissions were granted by the statutory authorities including revenue authorities and from those orders Collector came to know about the execution of sale deeds by the persons

who were conferred Bhumi Swami rights much prior to 1980. Hence, in our opinion, he had no power and authority to exercise the power of suo motu revision after a period of 180 days from the date of his knowledge as he had knowledge about the execution of sale deeds immediately after its execution because all the statutory permissions by the revenue authorities were granted through Collector. Thus, we incline to allow the preliminary objection of the respondents by holding that the Collector had no power and authority to exercise the power of suo motu revision after a period of 180 days and Board of Revenue rightly set aside the order.

37 Consequently, the writ appeal and all the writ petitions are hereby dismissed. No order as to costs.

In view of the above, present petition is also dismissed and the order dated 22/04/2017 passed in Writ Appeal no. 23/2017 shall apply *mutatis mutandis* in the present petition also.

C c as per rules.

(VIVEK RUSIA)

JUDGE