
(2018) 04 MP CK 0100

Madhya Pradesh High Court (Indore Bench)

Case No: W.P. No.8428 OF 2015

Manorama Devi

APPELLANT

Vs

State Of Madhya
Pradesh & Ors

RESPONDENT

Date of Decision: April 17, 2018

Acts Referred:

- Madhya Pradesh Land Revenue Code, 1954 - Section 50

Hon'ble Judges: S.C. SHARMA, J

Bench: Single Bench

Advocate: Piyush Mathur, Manoj Manav, Akash Vijayvargiya, Aniruddh Waghmare

Final Decision: Allowed

Judgement

The petitioner before this Court is a lady and owner of the land bearing Survey No.569 area 1.682 hectares situated in village Newar, Tehsil-Neemuch" ,,,,,,,,,

has submitted an application for exchange of her land with the Government land situated in village-Kanawati, Tehsil-Neemuch, Patwari Halka No.14," ,,,,,,,,,

Survey No.569 (Bardi Bhoomi) under Clause 20 of the Revenue Book Circular. ,,,,,,,,,

The application was submitted by the petitioner on 10.11.2005 to the Collector of the district and based upon her application, the Collector, Neemuch" ,,,,,,,,,

sought a report from the Sub-Divisional Officer, Neemuch and the Sub-Divisional Officer has submitted a report declining the exchange of land." ,,,,,,,,,

Based upon the report of the Sub-Divisional Officer, the application of the petitioner was rejected by an order dated 08.05.2007. Thereafter, an appeal" ,,,,,,,,,

was preferred by the petitioner before the learned Commissioner, Ujjain Division Ujjain and by an order dated 14.01.2008, the learned Commissioner" ,,,,,,,

has dismissed the appeal. ,,,,,,,

The most shocking aspect of the case is that the Collector while rejecting the claim of the petitioner has held that the petitioner being a lady cannot be ,,,,,,,

treated as an agriculturist and a lady doesn't come within the meaning and definition of agriculturist. The aforesaid observation finds place in the ,,,,,,,

order of the State Government dated 13.10.2008 (Annexure-P/3). ,,,,,,,

The petitioner, after dismissal of the claim by the learned Commissioner, preferred a revision before the State Government and the State Government," ,,,,,,,

thereafter, passed an order on 13.10.2008 allowing the revision and order passed by the Collector dated 08.05.2007 and the order passed by the" ,,,,,,,

Commissioner, Ujjain 14.01.2008 were set aside. The Collector was directed to complete the proceeding in respect of exchange of land after receiving" ,,,,,,,

the amount of difference in respect of cost of the land. ,,,,,,,

After an order was passed by the State Government, the Collector again started proceedings and directed the Tehsildar vide order dated 13.01.2009 to" ,,,,,,,

submit a report in respect of difference of amount and the Tehsildar has submitted a report showing the difference in value as Rs.2,50,075/-. Again a" ,,,,,,,

report was called by the Collector, Neemuch in respect of the same valuation and same land, and subsequently, the Tehsildar has valued the land for" ,,,,,,,

Rs.2,10,000/- on 28.08.2010, meaning thereby, there were two reports in respect of the valuation, however, the petitioner was ready to deposit the" ,,,,,,,

amount as per the valuation on the higher side also. In spite of the aforesaid, nothing was being done in the matter by the Collector for the reasons" ,,,,,,,

best known to him and the petitioner was forced to file a writ petition which was registered as W.P. No.6986/2009 and this Court by an order dated ,,,,,,,

04.11.2009 has disposed of the writ petition. The order dated 04.11.2010 passed in W.P. No.6986/2009 reads as under:- ,,,,,,,

“By this petition under Article 226 of the Constitution of India, the only prayer made by the petitioner is to direct the respondent No.1 Collector," ,,,,,,,

Neemcuh to comply with the order dated 13.10.2008 (Annexure-P/1) passed by the 2nd respondent in case of F-1-15/08/Revision after getting the,,,,,,,,,

amount as ascertained, deposited from the petitioner.",,,,,,,,,

It has been argued by the learned counsel for the petitioner that in spite of the repeated requests being made the order dated 13.10.2008 (Annexure-,,,,,,,,,

P/1) passed by the 2nd respondent is being not complied with though the petitioner is ready to deposit the amount as has been ascertained vide order,,,,,,,,,

dated 25.02.2009 (Annexure-P/3) by the Tehsildar, Neemuch in pursuance to the order dated 13.01.2009 (AnnexureP/2), passed by the 1st",,,,,,,,,

respondent.,",,,,,,,,,

Today, when the matter came up for hearing it has been prayed by the learned counsel for the petitioner that this petition may be disposed of directing",,,,,,,,,

the Collector, Neemuch to comply with the order dated 13.10.2008 (Annexure-P/1) as expeditiously as possible after getting the amount deposited by",,,,,,,,,

the petitioner. She submits that the petitioner is ready to deposit the amount as ascertained vide Annexure-P/3 before the first respondent but she has,,,,,,,,,

not been ordered to deposit the amount as yet.,",,,,,,,,,

Having heard learned counsel for the parties, I am of the view that this petition deserves to be disposed of by directing the first respondent Collector,",,,,,,,,,

Neemuch to comply with order passed by the 2nd respondent if the same is subsisting, in its correct perspective within a period of one month from the",,,,,,,,,

date of receipt of the copy of this order. The first respondent shall inform the petitioner the amount which has to be deposited by her in terms of the,,,,,,,,,

said order within a week from the date of the receipt of copy of this order and the petitioner to deposit the said amount within a week from receipt of,,,,,,,,,

such intimation. On such deposit being made by the first respondent, Collector, Neemuch shall do the needful in terms of the order dated 13.10.2008",,,,,,,,,

(Annexure-P/1) within two weeks from such deposit.Ã¢â¬â¸,,,,,,,,,

The Collector not being happy with order passed by the learned Single Judge, has preferred a Writ Appeal and the Division Bench of this Court by an",,,,,,,,,

order dated 10.03.2010 has dismissed the writ appeal. The order passed by the Division Bench of this Court reads as under:-,,,,,,,,,

“After arguing the matter for some time, learned Deputy Government Counsel appearing for the appellant wishes to withdraw the present appeal.”,,,,,,,,,

Dismissed accordingly.”,,,,,,,,,

The petitioner was ready to deposit entire amount, however, the Collector, Neemcuh in spite of there being an order passed by the State Government”,,,,,,,,,

on the subject, the order passed by learned Single Judge and the order passed by the Division Bench of this Court, did not care to comply the orders”,,,,,,,,,

with a defiant attitude and in those circumstances, the present petition was filed. At the same time, the Collector preferred an application for reviewing”,,,,,,,,,

the order dated 13.10.2008 (Annexure-R/1).,,,,,,,,,

Shri Piyush Mathur, learned senior counsel has vehemently argued before this Court that the exercise undertaken by the Collector for review in the”,,,,,,,,,

year 2016 is not at all permissible in law. He has drawn the attention of this Court towards the judgment delivered in the case of Sharad Kumar v/s,,,,,,,,,

State of M.P. & two others, wherein in similar circumstances, again in respect of exchange of land, review proceedings were initiated and this Court”,,,,,,,,,

has quashed the review proceedings, which were initiated beyond the period of 180 days.”,,,,,,,,,

This Court in W.P. No.9224/2012 dated 25.07.2017 in paragraphs 12 to 22 has held as under:-,,,,,,,,,

“12- In reply, the respondents have placed reliance upon Section 50 of the M. P. Land Revenue Code and has stated that the matter is within”,,,,,,,,,

limitation and the respondents have prayed for dismissal of the writ petition. However, the fact that the matter was taken into revision by the learned”,,,,,,,,,

Commissioner after about 6 years, is an undisputed fact.”,,,,,,,,,

13- In the present case, in the earlier round of litigation, this Court in an identical case has passed the following order:-”,,,,,,,,,

“This order shall also govern the disposal of W.P.Nos.9553/12, 9554/12, 9555/2012, 9557/2012 and also 9224/2012 as question involved in all the”,,,,,,,,,

petitions are identical in nature and also the parties are one and same except the petitioner.....,

In W.P.No.9556/2012, the prayer is that entire proceedings initiated by respondent No.2 by notice dated 30/3/2012 under suo motu powers and order".....,

dated 25/9/2012 passed by the respondent No.1 be quashed.....,

Short facts of the case are that petition in all the petitions moved application for exchange of land as per circular dated 22/2/84 wherein it was prayed.....,

that another land be given to the petitioner in exchange. The applications filed by the petitioner were allowed and land was given in exchange to each.....,

of the petitioner and land which was owned by the petitioner was taken over. Full particulars of each of the case are shown in the following chart:-.....,

S.

N.,"Petition

No.,"Survey

No.,Ar

ea &

village

of the

land

given","Survey

No.,Area

& village

of the

land

received

in

exchange","Date of

Applica
tion to
DM fro
exchang e","Date of
order for
Exchan ge","Date of
suo motu
action","Value of
the land
given as
per Govt.
guidelin e
on the
date of
Exchang
e","Value of
the
received
land as
per
Govt./
guideline
on the
date of

Exchang

e

1,"9553/1 2

Sudesh

Kilewal

e","Survey

No.1,

7.60

Hect.,

Jagepu

r

Village","Survey

No.18,

Survey

No.19,

1.270

Hct.,

village

Kanwati",21-112005,"2-4-

2006","30-

32012","12,92,00

0/-","12,67,80

0/-

2,"9554/1

2

Kamal

Kumar

Jain","891 &

992,

0.90

village

Girdod

a,

172","562 &

564,

1.082

hect.,

Village

Kanawati",16-112005,"24-

52006","30-

32012","8,92,650

/-","8,92,650/

-

,"0.41

hect.

Village

Arlia

Total

1.31

hect." ,,,,,,

3,"9555/1

2

Manoj

Garg","Survey

No.242

9,

0.418

hect.,

Neemu

ch city","Survey

No.564,

0.418

hect.,

Village

Kanawati","3-2-

2005","24-

82005","30-

32012","2,04,000

/-","1,96,878/

-

4,"9556/1 2

Sarita

Devi","Survey

No.549

,

1.23

Hect.,

Village

Bisalw

as

Kalan","Survey

No.9 &

12, 12,

1.212

Hect.,

Village

Kanawati","31-

42006","20-1206,"30-

32012","5,93,880

/-","5,93,880/

-

5,"9557/1 2

Bharti

Parasha

r","665/2,

0.523

Hect.

Village

Kanaw

ati", "665/1,

0.523

Hect.,

Village

Kanawati", "31-

52006", "19-

22007", "30-

32012", "3,27,398

/-", "2,56,270/

-

6, "9224/1 2

Sharad

Gagrani", "Survey

No.1,

3.70

Hect.,

Village

Jagepu

r", "21/3,

0.3628

hect.,

village

Kanawati",21-112005,"29-

42006","30-

32012","6,29,000

/-","6,00,600/

-

revenue record, thereafter, permission was also obtained from the Town and Country Planning and also from the Municipal Corporation and houses",,,,,,,,,,

have been constructed ant at such a belated stage, notices have been issued in exercise of suo motu powers while limitation for exercising the suo",,,,,,,,,,

motu power is 180 days. Learned counsel placed reliance on a decision of this Court in the matter of Ranveer Singh through L.Rs. Kishori Singh,",,,,,,,,,

2010(4) MPLJ 178 whereby it was held that 'In order to exercise suo motu power of revision envisaged under section 50 of the M. P. Land Revenue,,,,,,,,,

Code and looking to the scheme of Chapter V, it should be exercised by the revisional authority within 180 days from the date of knowledge of the",,,,,,,,,

illegality or impropriety of any order passed or as to the irregularity of the proceedings of any revenue officer subordinate to it and it will not be,,,,,,,,,

justifiable to stretch it for any length of period even for protection of the Goivernment land or public interest.' Learned counsel further submits that as,,,,,,,,,

per the order dated 24/5/2012 passed by respondent No.1, no revision is maintainable as order dated 24/5/2006 is passed under the R.B. Circulars,",,,,,,,,,

therefore how the powers under section 50 can be exercised. It is submitted that in the facts and circumstances of the case, the petition be allowed",,,,,,,,,

and notice dated 30/3/2012 be quashed.,,,,,,,,,,

Learned counsel for respondents supports the order and submits that petition has no merits and same be dismissed.,,,,,,,,,,

From perusal of record, it appears that it is only the notice which has been received by the petitioner. If the petition is of the view that notices itself are",,,,,,,,,

time barred and no steps can be taken in exercising the suo motu powers, then, the petitioner is at liberty to file the objections filed the authority who",,,,,,,,,,

has issued the notice wherein petitioner shall be at liberty to raise all the grounds which shall be decided by the competent authority by passing a,,,,,,,,,

reasoned order in accordance with law.,,,,,,,,,,

Till then, parties are directed to maintain status quo. With the aforesaid observation, the petition stands disposed of. Copy of the order be kept in the",,,,,,,,,,

record of all the connected cases.Ã¢â¬â¸,,,,,,,,,

14- This Court has prepared a tabular chart also. In case of present petitioner Sharad Kumar, the value of land given as per the guideline on the date",,,,,,,,,,

of exchange is Rs.6,29,000/- and the value of the land received as per the government guideline on the date of exchange is Rs.6,00,600/-, meaning",,,,,,,,,,

thereby, the difference is Rs.28,400/-. Though the aforesaid, fact is again disputed by the learned Government Advocate and his contention is that as",,,,,,,,,,

per the show cause notice, loss to the State Government is much higher and it is Rs.48.55 Lacs." ,,,,,,,,,,

15- The Division Bench of this Court in a writ appeal preferred by the petitioner as well as by other persons has remanded back the matter to the,,,,,,,,,

Single Judge on a limited issue. The order passed by the Division Bench on 20/12/2013 in Writ Appeal No.1165/2013 reads as under:-,,,,,,,,,

Ã¢â¬â¸“The appellant's grievance is that though, reliance was placed by the appellant on the Full Bench judgment of this Court in the case ofÃ¢â¬â¸, Ranveer",,,,,,,,,,

Singh Vs. State of MP reported inÃ¢â¬â¸, 2010(4) MPLJ 178. The same though has been referred but has not been taken into consideration by the learned,,,,,,,,,

Single Judge and the matter has been remitted back to the authority for consideration about the said objection that the proceedings itself were not,,,,,,,,,

maintainable being barred by limitation.,,,,,,,,,,

We have heard the learned counsel for the parties.,,,,,,,,,,

We are of the view that the question which has been raised in the writ petition, ought to have been decided by the learned Single Judge instead of",,,,,,,,,,

relegating the petitioner to the authority, which had issued the impugned notice. In the circumstances, we set aside the impugned order passed by the",,,,,,,,,,

learned Single Judge and remit the matter back to the writ Court for deciding the case on the question raised in the writ petition.,,,,,,,,,,

The appeal stands allowed to the extent indicated above.,,,,,,,,,,

The interim protection granted by the writ Court shall continue till the matter is decided by the writ Court.Ã¢â¬â¸,,,,,,,,,

16- This Court has also carefully gone through the order passed by the Full Bench of this Court in the case of Ranveer Singh (Supra). Paragraph,,,,,,,,,

numbers 1 and 33 to 36 of the aforesaid judgment reads as under:-,,,,,,,,,

Ã¢â¬â¸“1. On bare perusal of the order of reference dated 20-4-2010, we find that the learned Single Judge felt it necessary to refer the following",,,,,,,,,,

question either to be decided by the Division Bench or Full Bench and, hence, referred the matter to Hon'ble the Chief Justice. Eventually, Hon'ble the",,,,,,,,,,

Chief Justice referred the following question to answer by constituting this Full Bench. It would be germane to quote the question which has been,,,,,,,,,

referred to us :,,,,,,,,,

Ã¢â¬â¸“Whether in the case wherein an individual is not put to suffer any irreparable loss, exercise of suo motu powers after any length of period is",,,,,,,,,,

justifiable in law, more so, for protection of Govt. land or public interest ?Ã¢â¬â¸",,,,,,,,,,

33. Coming to the point in question ""what should be the reasonable period"". We have at a glance demonstrated different type of periods of limitation in",,,,,,,,,,

order to achieve the aim and object of a particular chapter and the provisions enacted in that chapter. Hence, according to us, in respect to Section 50",,,,,,,,,,

of the Code which comes under Chapter v. of the Code what should be the reasonable period for exercising suo motu powers, one should be guided",,,,,,,,,,

with the aims and object of this chapter only and should not borrow the different type of periods of limitation which have been prescribed in other,,,,,,,,,

chapters to achieve the aim and object of the provisions prevailing in those chapters. Hence, the prescribed periods of limitation of 30 years, 10 years," ,,,,,,,,,,

5 years, 3 years, 2 years or even 1 year prescribed in different chapters and the provisions enacted in that chapter cannot be made applicable for the",,,,,,,,,,

purpose of achieving the aim and object of this Chapter v. in which Section 50 has been enacted which speaks about the exercise of suo motu powers,,,,,,,,,

of revision also. The Chapter v. of the Code contains Sections 44 to 56 and the maximum period of limitation in this chapter is 90 days. Hence,",,,,,,,,,

according to us, the maximum period which has been envisaged in any of the provision of any other chapter of the Code cannot be made applicable",,,,,,,,,

for the purpose of this chapter because that particular period of limitation has been enacted by the Legislature to achieve the aim and object of that,,,,,,,,,

particular chapter and its provisions only. The maximum period of limitation of 90 days has been enacted for filing the revision, but since this restriction",,,,,,,,,

is not for exercising suo motu powers and to serve the purpose, the aim and object for which this provision has been enacted, according to us, within a",,,,,,,,,

period of 180 days the Revisional Authority should exercise suo motu powers from the date of the coming into the knowledge to it that any particular,,,,,,,,,

illegality, impropriety or irregularity of the proceeding has been exercised by any officer subordinate to it.",,,,,,,,,

34. Apart from what we have held hereinabove, we have been reminded by the maxim vigilantibus noa dormientibus jura subveniunt which means that",,,,,,,,,

laws come to the assistance of those who are vigilant and not those who sleep upon their rights. Why we cannot extend this maxim to the Revisional,,,,,,,,,

Authority who has to exercise his suo motu power despite having come to know that illegality and impropriety have been committed by any authority,,,,,,,,,

subordinate to it or the subordinate authority has committed irregularity in the proceedings and is permitting to continue it for indefinite period, and",,,,,,,,,

therefore, it cannot be said that, one fine morning when the authority thinks it proper, he may exercise the said power.",,,,,,,,,

35. It is the trite law that if no period of limitation has been prescribed, the Statutory Authority must exercise its jurisdiction within a reasonable period.",,,,,,,,,

What should be the reasonable period should be judged from this angle also that what is the nature of the statute itself, rights and liabilities thereunder" ,,,,,,,

and other relevant factors. The Supreme Court in Bhatinda District Cooperative Milk Producers Union Ltd. (supra), in Para 19 has held that the" ,,,,,,,

reasonable period of limitation may be borne out from the statutory scheme of the Act. The Supreme Court while considering the various provisions of ,,,,,,,

Punjab General Sales Tax Act, 1948 in Para 19 has held that looking to the scheme of the said Act the maximum period of limitation provided in Sub-" ,,,,,,,

section (6) of Section 11 of the Act is five years and, therefore, in those circumstances the Supreme Court has held that as per the scheme of the Act," ,,,,,,,

the reasonable period should be three years. Since in the present case, as we have noticed hereinabove, different type of periods of limitation which" ,,,,,,,

are prescribed for exercising particular right and liability under different chapters, looking to the aim, object and the purpose of enacting the provisions" ,,,,,,,

of suo motu powers 180 days of the period of limitation would be the reasonable period and, according to us, for this another reason also the same" ,,,,,,,

period should be the reasonable period to exercise suo motu powers by the Revisional Authority from the date of coming into the knowledge of ,,,,,,,

illegality, impropriety and irregularity of the proceeding having been done by the authority subordinate to it." ,,,,,,,

36. Ex consequenti we hereby hold that in order to exercise suo motu power of revision envisaged under Section 50 of the Code and looking to the ,,,,,,,

scheme of Chapter V, it should be exercised by the Revisional Authority within 180 days from the date of the knowledge of the illegality or" ,,,,,,,

impropriety of any order passed or as to the irregularity of the proceedings of any Revenue Officer subordinate to it and it will not be justifiable to ,,,,,,,

stretch it for any length of period even for protection of the Government land or public interest.Ã¢â€, ,,,,,,,

17- Not only this, though it was not a dissenting judgment but the third Judge has expressed his opinion also in paragraph No.52 and the same reads as" ,,,,,,,

under:- ,,,,,,,

“52. In view of the aforesaid discussion, I concur with Brother Shrivastava, J., that what should be an irreparable loss is to be considered in the” ,,,,,,,

facts and circumstances of each case because as no definite yardstick in that regard can be applied. I further concur with him in the manner that in,,,,,,

such cases a period of 180 days from the date of detection of illegality, impropriety and/or irregularity of the order/proceedings committed by Revenue” ,,,,,,,

Authority subordinate to Revisional Authority would be a reasonable period for exercise of suo motu powers despite involvement of Government land,,,,,,

or public interest. I may further hasten to add that this would be upper-ceiling of limitation for exercise of such powers and the person suffering an,,,,,,

irreparable loss would be within his rights to show that such power ought to have been exercised in lesser period in view of the attending facts and,,,,,,

circumstances of the case, causing irreparable loss prior to such exercise.” ,,,,,,,

However, when a person against whom suo motu exercise of power is being made is not put to an irreparable loss, period of one year from the date of” ,,,,,,,

detection of illegality, impropriety or irregularity in the order/proceedings would be a reasonable period for exercise of suo motu powers of revision” ,,,,,,,

under Section 50 of the M.P. Land Revenue Code for protection of the Government land or public interest.” ,,,,,,,

18- It has been held that in general matters the period of limitation should be 180 days and in respect of the matter of other public interest like,,,,,,

involvement of government land, the upper ceiling limit should be one year. There was a dispute in respect of date of knowledge of the order for” ,,,,,,,

which the learned Government Advocate wanted time in order to bring the matter within limitation i.e. within 180 days.,,,,,,,

19- Shri Piyush Mathur, learned Senior Counsel alongwith Shri Sumeet Samvatsar has drawn the attention of this Court towards paragraph No.2 of” ,,,,,,,

the show cause notice issued by the learned Commissioner. Paragraph No.2 reveals that some inquiry was conducted by the Commissioner and a,,,,,,

report was submitted by the Collector on 03/12/2011. Meaning thereby, the learned Commissioner was very much aware about the matter prior to” ,,,,,,,

03/12/2011 and the show cause notice has been issued on 30/03/2012 and again it is more than 180 days. The fact remains that after the land has been,,,,,,,,,

allotted to farmers in the year 2006 and after about six years, show cause notice has been issued and even if the contents of show cause notice are",,,,,,,,,

taken into account, the show cause notice has been issued after expiry of 180 days from the date of knowledge.",,,,,,,,,

20- The another important aspect of the case is that an attempt has been made before this Court by the State in the reply that valuable land has been,,,,,,,,,

exchanged for peanuts. The allotment order dated 29/04/2006 reveals that the value of the land is Rs.6,00,600/- and as per the Collector's guideline it",,,,,,,,,

was Rs.6,29,000/-, meaning thereby, there is a difference of approximately Rs.28,400/-.The rate was calculated on the basis of 2006 guideline issued",,,,,,,,,

by the Collector whereas in the show cause notice in order to make it a very expensive land, the rate has been calculated on the basis of guideline",,,,,,,,,

issued in the year 2011 and therefore, the contention of the learned counsel for the State that valuable land has been allotted in lieu of the land having",,,,,,,,,

lesser value, is not at all sustainable.",,,,,,,,,

21- Resultantly, in light of the Full Bench judgment, the show cause notice issued by the Commissioner dated 30/03/2012 deserves to be quashed and",,,,,,,,,

is hereby quashed.,",,,,,,,,,

22- With the aforesaid, writ petition stands allowed alongwith other connected petitions which are arising out of the same dispute.Ã¢â€",,,,,,,,,

Meaning thereby, the review proceedings after 180 days were quashed. The matter went before the Division Bench of this Court and the Division",,,,,,,,,

Bench of this Court in a Writ Appeal preferred by the State Government i.e. State of Madhya Pradesh & two others v/s Sharad Kumar (W.A.,,,,,,,,,,

No.440/2016) has dismissed the writ appeal preferred by the State Government. The Division Bench in paragraphs 24, 25, 26, 27 and 28 has held as",,,,,,,,,

under:-,",,,,,,,,,

24. The expression Ã¢â€,Ã¢â€“at any time qualifies exercise of power on its / his own motion on the application made by any partyÃ¢â€, is settled.Ã¢â€, The,,,,,,,,,

application was made by the complainant Vilas Chandra Patidar much prior to 2007.Ã, Thereafter, the Collector prepared a detailed report and" ,,,,,,,

submitted it before the State Government in reply to the query of Vidhan Sabha question.Ã, Thus, it cannot be said that the Additional Commissioner, " ,,,,,,,

Ujjain within a reasonable time, exercised his powers.Ã, The proceedings were initiated in the year 2011 on the basis of Collector's letter dated" ,,,,,,,

03.11.2011 and Commissioner's letter dated 03.12.2011, whereas they had knowledge about the order of exchange passed on 29.04.2006.Ã, Show" ,,,,,,,

cause notice was issued by the Additional Commissioner, Ujjain in the year 2012 only i.e. 30.03.2012 (Annexure P/10) in exercise of powers under" ,,,,,,,

Section 50 of the Code. Thus, it cannot be said that the Additional Commissioner, Ujjain exercised its powers as prescribed under Section 50 of the" ,,,,,,,

Code, within reasonable time." ,,,,,,,

25. Suo motu exercise of powers of revision with regard to limitation is well settled.Ã, The Additional Commissioner should not exercise powers after,,,,,,

lapse of six years from the date of order, especially where no irregularity was found in the exchange of land.Ã, Ã, The Additional Commissioner, " ,,,,,,,

issued show cause notice on the basis of 2011 RBC whereas at the time of exchange 2006 RBC was available and on the basis of the provisions of,,,,,,

2006 RBC the order of exchange was passed.Ã, In the show cause notice, the Additional Commissioner has taken market value of 201-12, whereas" ,,,,,,,

in 2006, when the exchange order was passed, the market value was same, as fixed by the Collector. Exercise of powers, after six years is belated.Ã, " ,,,,,,,

Such powers should not be exercised without explanation for delay, nor it can be said that the same was exercised within a reasonable time.Ã, " ,,,,,,,

Exercise of such powers after so many years is a colourable exercise of powers. 26. In view of Full Bench decision in the case of Ranveer Singh v.,,,,,,,

State of MP (supra), such powers must be exercised within 180 days from the date of knowledge of illegality, impropriety or irregularity exercised by" ,,,,,,,

subordinate officer while passing the order of exchange in favour of the respondent.Ã, It is settled law by the Apex Court in Full Bench decision in the,,,,,,

case of Ranveer Singh v. State of MP (supra), that such powers could be exercised within a reasonable time and not after lapse of several years." ,,,,,,,

27. For the above mentioned reasons, we are of the view that the appellant / State has the knowledge about order dated 29.04.2006 passed by the" ,,,,,,,

Collector, Neemuch since 2007-08.Ã, The Additional Commissioner, Ujjain, after lapse of six years from the date of knowledge of the order dated" ,,,,,,,

29.04.2006 exercised its suo motu powers not within a reasonable time.Ã, The order dated 25.07.2016 passed by the learned Writ Court is just and,,,,,,,

proper.Ã, No case to interfere with the aforesaid well reasoned order, as prayed for by the learned Deputy Advocate General for the appellant /" ,,,,,,,

State, is made out." ,,,,,,,

28. Writ Appeal No.439/2016, Writ AppealNo.440/2016, Writ Appeal No.441/2016, Writ Appeal No.442/2016, Writ Appeal No.443/2016, Writ Appeal" ,,,,,,,

No.444/2016 have no merit and are accordingly dismissed, but without any order as to costs." ,,,,,,,

Thereafter, the State Government has preferred a Special Leave Petition and the HonÃ¢âble Supreme Court by an order dated 04.09.2017 has" ,,,,,,,

dismissed the SLP (Diary No.21646/2017).,,,,,,,

The case of the petitioner is also in respect of exchange of the land. There is an order passed by the State Government, there is an order passed by" ,,,,,,,

the Single Bench and there is an order passed by the Division Bench, however, it appears that the District Administration has bent upon in not" ,,,,,,,

complying with the order passed by the State Government and the order passed by this Court.,,,,,,,

In the present case, the respondents have not been able to justify initiation of suo motu proceedings, which has been done after a lapse of seven years" ,,,,,,,

and especially when all of the formalities have been completed in respect of exchange of land, and therefore, in the considered opinion of this Court," ,,,,,,,

as the power of review has been exercised contrary to the law laid down on the subject in the case of Ranveer Singh v/s State of M.P. reported in,,,,,,,

2010 (4) M.P.L.J. 178, Annexure-P/11 dated 31.03.2016 and 02.04.2016 are hereby quashed. The consequential proceedings are also quashed. The",,,,,,,,,,

respondents are also directed to comply with the order passed by this Court within thirty days from today. The respondents are directed to comply the,,,,,,,,,

order passed by the State Government dated 13.10.2008 within a period of thirty days from today.,,,,,,,,,,

It is made clear that in case the order passed by this Court is not complied with within thirty days, this Court shall be initiating suto motu contempt",,,,,,,,,,

proceeding against the respondents. The petitioner shall also be free to deposit the amount as assessed by the Collector within aforesaid period. A,,,,,,,,,

compliance report also be submitted to the Registry of this Court.,,,,,,,,,,

With the aforesaid, the present petition stands allowed.",,,,,,,,,,

Certified copy as per rules.,,,,,,,,,,