IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANDEEP N. BHATT

WRIT PETITION No. 19876 of 2026

CNR No.: MPHC020213742026

GRAM PANCHYAT HANUMANTIYAKAG JANPAD PANCHYAT THROUGH DINESH

Versus

THE STATE OF MADHYA PRADESH AND ANR

WITH

WRIT PETITION No. 19877 of 2026

CNR No.: MPHC020213762026

GRAM PANCHYAT KACHNARIYA JANPAD PANCHAYAT THROUGH KESURAM

Versus

THE STATE OF MADHYA PRADESH AND ANR

WITH

WRIT PETITION No. 20224 of 2026

CNR No.: MPHC020218142026

GRAMPANCHAYAT TANDAKHEDA (MEHGAON) AMJHERA JANPAD PANCHAYAT SARADARPUR DISTRICT DHAR THROUGH SANTOSH

Versus

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THESTATEOFMADHYAPRADESH

THROUGH COLLECTOR AND ANR

WITH

WRIT PETITION No. 20227 of 2026

CNR No.: MPHC020218162026

GRAM PANCHAYAT BODALI JANPAD PANCHAYAT SARADARPUR DISTRICT DHAR (M.P) THROUGH BHAMAR SINGH

Versus

THE STATE OF MADHYA PRADESH THROUGH COLLECTOR AND ANR

Appearance:

Shri V.P. Saraf - Advocate for the petitioners.
Shri Shrey Raj Saxena – Dy. A.G. for the respondents.

Reserved on : 17/11/2026
Delivered on : 25/11/2026

Whether approved for reporting ? Yes

ORDER

1/ This order will govern the disposal of **W.P. no. 19876/ 2026, W.P. no.19877/2026, W.P. no. 20224/2026 and W.P. no. 20227/2026** as it is jointly submitted by counsel for the parties that all the writ petitions involve the same issue.

2/ Present petitions have been filed by the petitioners under Article 226 of the Constitution of India seeking following reliefs :

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W.P. no. 19876 of 2026

i) To issue a writ/direction order setting aside the order passed by the Collector District Dhar on 06/04/2026 vide Annexure P/] by which land situated in village Hanumantiyakang has been ordered to be allotted to the respondent No, 2 NRED and to handover the physical possession to respondent No.2 by demarcation and for mutation of the name of respondent No. 2;
(ii) To allow the petition with cost;
(iii) Any other relief which deems fit in the facts and circumstances of the case;

W.P. no. 19877 of 2026

i) To issue a writ/direction order setting aside the order passed by the Collector District Dhar on 06/02/2025 vide Annexure P/I by which land situated in village~Rajod and Navapada within territory of Gram Panchayat -Kachnariya has been ordered to be allotted to the respondent No. 2 NRED and to handover the physical possession to respondent No. 2 by demarcation and for mutation of the name of respondent No. 2;
ii) To allow the petition with cost;
iii) Any other relief which deems fit in the facts and circumstances of the case;

W.P. no. 20224 of 2026

I) To issue a writ/direction order setting aside the order passed by the Collector District Dhar on 06/04/2026 vide Annexure P/1 by which land situated in village -Tandkheda Amjhera within territory of Gram Panchayat Tandakheda Amjhera has been ordered to be allotted to the respondent No. 2 NRED and to handover the physical possession to respondent No. 2 by demarcation and for mutation of the name of respondent No. 2;
ii) To allow the petition with cost;
iii) Any other relief which deems fit. in the facts and circumstances of the case;

W.P. no. 20227 of 2026

I) To issue a writ/direction order setting aside the order passed by the Collector District Dhar on 07/05/2026 vide Annexure P/1 by which land situated in village - Bodali within territory of Gram Panchayat-Bodali has been ordered to be allotted to the respondent No. 2 NRED and to handover the physical possession to respondent No. 2 by demarcation and for mutation of the name of respondent No. 2;

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ii) To allow the petition with cost;
iii) Any other relief which deems fit in the facts and circumstances of the case;

3/ The facts of the case in respective petitions are noted in nutshell as under :

A, <u>W.P. no. 19876 OF 2026</u>

That, Gram Panchayat, Hanumantiyakag, Tehsil Sardarpur, District -Dhar consists of various Gram Panchayat namely Hanumantiyakag, Kotra Khurd, Gondhikheda. The petitioner is resident of village Hanumantiya and elected Panch Ward No. 3 and has been authorized by resolution dated 11/05/2026 of Gram Panchayat Hanumantiyakag to present the petition and to sign the petition alongwith the affidavit.

That, for the purpose of transfer of nazul land by way of allotment application [Annexure-P/3] in prescribed proforma was filéd by NRED through under secretary Ms. Sharmila Thakur to the Collector, District-Dhar for allotment of land admeasuring area 259.2710 hectare situated in Hanumantiyakang. In the application, the name of firm owner Ms. Sharmila Thakur under Secretary, NRED has been mentioned while it is a government property and not the individual property of Sharmila Thakur. In the application, process fee amounting to Rs. 0/- has been mentioned and the date of deposit is 20/08/2024. The Collector has also not mentioned the date on which the aforesaid application was received in his office and the mode of it. The area of required land has also not been mentioned in the application.

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That, on 10/10/2024, the Collector, District -Dhar registered the case and forwarded it to the Sub Divisional Officer, Sardarpur for submitting its report. That, on 21/10/2024, the. Sub Divisional Officer, Sardarpur asked the Nayab Tehsildar for issuance of Public Notice inviting objections from other department of the State as well as Revenue Inspector and Patwari Report.

That, the Nayab Tehsildar in turn on 21/11/2024 initiated proceedings for allotment of land by registering the case and passed an order for publication of notice, report from revenue inspector and opinion from various departments. The report is to be submitted on or before 01/12/2024. On 21/11/2024 the Nayab Tehsildar asked for report from revenue Inspector, Circle-4 Dasai and Halka Patwari village Hanumantiyakag within a period of seven days. On 21/11/2024 the Nayab Tehsildar issued publication. Inviting objections on or before 01/12/2024 and it is ordered to be affixed in Gram Panchayat, Tehsil Office Tappa Dasai, but the aforesaid publication was neither affixed in the office of Gram Panchayat at any point of time.

That, the Patwari submitted his report vide Annexure P/10 mentioning the fact that a meeting was conveyed by inhabitants of Gram Panchayat, Hanumantiyakag on 28/11/2024, in which they have resolved not to allot the land to NEED and opined that since there is no consent of inhabitants of villagers, the allotment of land is not desirable. A

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panchanama was also prepared in this regard. That, the office of Sub-Divisional Officer, Sardarpur submitted his report without mentioning any date to the Collector for allotment of land admeasuring area 205.61 hectare to respondent No. 2. In the report [Annexure P/12], it has been specifically mentioned that objection regarding allotment has been taken as the land is Gochar land.That, the Nayab Tehsildar submitted his report to the Sub-Divisional Officer on 05/06/2025 for allotment of land to respondent No. 2.

That, on 01/08/2025 the Sub-Divisional Officer registered the case mentioning the fact that there are certain irregularities, hence the case was remanded and initiated afresh proceedings. That, in turn, the afresh proceedings dated 06/11/2025 in the office, of Nayab Tehsildar, Tappa Office, Dasai were initiated and submitted his report mentioning the Noiyat and other details of land, in which, it has been specifically alleged that in some Survey Number, Well (*kunwa*) is situated, reserved for *Charnoi, Rasta Va Nahar Nikli hui hai*, government lessee have their possession, Bardi land, Pathar land, however, opined to allot area 87.275 hectare in favour of respondent No. 2 NRED for establishment of Solar Park. On 25/11/2025, the Sub Divisional Officer forwarded his report on the basis of report submitted by Nayab Tehsildar, Tappa Dasai to the Collector. On 16/03/2026, the Nayab Tehsildar again submitted another report for allotment of 102.358 hectare of land to respondent No. 2. That, the Sub

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Divisional Officer without mentioning any date on the basis of Annexure P/17 submitted his report to the Collector for allotment of land admeasuring area 102.358 hectare to respondent No. 2. That, on 24/03/2026, Nazul Department submitted his report to the Upper Collector for allotment of 102.358 hectare of land to respondent No. 2. That, on 24/03/2026 Prabhari Adhikari, Nazul Department submitted his report to Nazul Department Dhar for allotment of 102.358 hectares of land to respondent No. 2 NRED.

That, on 01/04/2026 the upper Collector on the basis of the report forwarded his recommendation to allot 102.358 hectare land to respondent No. 2. That, on 01/04/2026 the District Committee resolved to allot land admeasuring 102.358 hectare situated in Hanumantiyakag, Tehsil Sardarpur to respondent No. 2. The Committee is of exclusively Revenue Officer and no representation on behalf of local sitting MLA, Municipal Officer like President of Municipality who has been elected by general public were informed regarding the resolution at the time of passing of the aforesaid resolution on 01/04/2026. The Revenue Inspector, Circle Dasai has already submitted his report alongwith the list pertaining to the nature of the land in which the various Survey Numbers, it has been mentioned as *Rasta Nikla Hua*

That, the Revenue Inspector however submitted his report for allotment of 87.275 hectares of land in favour of respondent No. 2 alongwith the Noiyat and other necessary

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information. As per attached list again it has been mentioned in certain Survey Numbers, *Rasta Nikla hua he, Kua isthit he, Charnoi ke liye reserved, High Tension Line nikli hue he, Mandir Bana hua he, Pani ki tanki bani hui he, Makan bane hue he, Shashkiya Pattedar isthit he.* The land is agricultural land but despite the factual position vide its order dated 06/04/2026 allotted the land to respondent No. 2 NRED. Being aggrieved by the said order, present petition has been filed.

B. <u>W.P. no. 19877 of 2026</u>

That, Gram Panchayat Kachnariya, Tehsil- Sardarpur, District Dhar consist of various Gram Panchayats namely Rajod, Navapada Rasaniya, Kachnariya, Teen Pipli, Datiyapada and Gularipada. The petitioner is resident of village Kachnariya Rajod and elected Panch Rasaniya Ward of Gram Panchayat Kachnariya and has authorized to present the petition and to sign the petition alongwith affidavit. The resolution is dated 16/04/2026.

That, for the purpose of transfer of nazul government/land belonging to inhabitants by way of allotment applieation in prescribed proforma was filed by NRED through its. under Secretary, Ms. Sharmila Thakur to the Collector, District-Dhar for allotment of land admeasuring area 210.0840 (hectare/sq.mtr.) of Rajod and 33.4320 hectare/sq/mtr. of Navapada situated within the territory of Gram Panchayat Kachnariya. In the application i.e. Annexure P/3, the name of

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firm owner Ms/ Sharmila Thakur under Secretary, NRED has been mentioned while it is a government property and not the individual-property of Ms. Sharmila Thakur. In the application, the process fee amounting to Rs. 0/- has been mentioned and the date of deposit is 19/09/2024. The Collector has also not mentioned the date on which the application was received in his office and the mode of it. That, since some persons surveyed the land upon which Gram Panchayat Kachnariya on 22/07/2024 filed objection under PESA Act mentioning that the land situated in village -Navapada, village -Rasaniya, village -Kachnariya, village -Teen Pipli, village -Datiyapada and village -Gularipada are within the territory of Gram Panchayat - Kachnariya in which Gochar land and individual ownership land is situated and the survey and consequnently the allotment if any may kindly be stayed/cancelled.

That, on 30/09/2024, the Collector, District - Dhar registered the case and forwarded it to the Sub Divisional Officer for submitting its report. Copies of such proceedings for village -Rajod and that of:village Navapada is ANNEXURE P/5. That, on receipt of Annexure P/5, the Sub Divisional Officer forwarded the case to Nayab Tehsildar, Tappa Labriya, Tehsil Sardarpur for necessary action. That, on 18/10/2024 Additional Tahsildar issued Vigyapti - inviting objection for the land situated in village Rajod and the objection ought to be filed on or before 25/10/2024. Likewise, the Tehsildar, Circle Barmandal issued publication inviting objection for-

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allotment of land situated in village Navapada on 08/11/2024 and the last date for filing objection was 14/10/2024.

That, on 16/11/2024 the inhabitants of Gram Panchayat Kachnariya including Navapada, Rasaniya, Teen Pipli, Datiyapada, Gularipada approached the Tehsildar and filed objection maintaining that land is Gochar land and individual holding of various inhabitants and under the provisions of PESA Act. The allotment/alienation if any may kindly be stayed/cancel. For which. a meeting was conveyed in Gram Panchayat Kachnariya on 16/11/2024 itself in which proposal and resolution was passed. The resolution by which it was decided upon the land establishment of Solar Penal is to be resisted. That, again the Sub Divisional Officer Sardarpur District Dhar ordered the Nayab Tahsildar. Tahsil Labriya for submitting fresh inquiry report pertaining to land situated at village Rajod as also land situated at village Navapada. That, the Tehsildar submitted his report to the Sub Divisional Officer in which it has been specifically mentioned that Gram Panchayat resolved under the provisions of PESA Act filing the objection pertaining to not allot the village land as the land is Gochar land. In inquiry report, it has also been specifically mentioned that in the land, Kacche Pakke houses of villagers is in existence in which they are residing. Likewise, Pond, School and other construction finds space upon the land whose quantity is much more. The village Patwari also submitted spot report in which Huts of villagers/by way of

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encroachment the villagers are cultivating crops.

That, the Sub Divisional Officer on 31/12/2024 submitted his report for village-Rajod to the Collector mentioning the fact that there are school building, residential accommodation is in existence and upon some survey numbers the inhabitants have encroachment and are grazing the crops in its report. Under the provisions of PESA Act, objections were filed. On 15/01/2025 nazul deprtment also submitted report to the Sub Divisional Officer mentioning the fact that in village - Rajoda upon the land residential accommodation is in existence, pond, school are also existing of which at spot number of constructions is much more and such area is 46.226 hectare villagers/inhabitants have filed objections under the provisions of PESA Act for the purpose of allotment. In the report, the Nala land has also been included. Likewise, individual holdings of villagers have been included for that purpose re-examination is necessary one before filing Final Report. For village Navapada, a separate proceedings were initiated by the Nazul Department and the same was submitted to the Sub Divisional Officer by the Nazul Department on 15/01/2025. That, the Sub Divisional Officer submitted his report to the Collector District Dhar mentioning the fact that the most of the land is Charnoi land, upon 26.916 hectare encroachment of villagers is there. 55.006 hectare land is to be allotted to respondent No. 2 of village-Rajod and that of village Navapada 17.764 hectare/sq.mtr. land be allotted to respondent

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no. 2.

That, on 03/02/2025 the Tehsildar again submitted his afresh report to the Sub Divisional Officer mentioning the fact that the land situated at village Rajod admeasuring area 55.006 hectare/sq.mtr. may be allotted to respondent No. 2 and that of village Navapada land admeasuring 17.764 hectare/sq.mtr. may be allotted to respondent No. 2 by respondent No. 1. That, on 13/02/2025 Tahsildar Varmandal directed the Patwari Rajod for again submission of inquiry report. On 14/02/2025 the Tehsildar forwarded fresh report to Sub Divisional Officer. Land admeasuring area 206.021 hectare situated at village Rajod may be allotted to respondent No. 2. In this report, 30 houses has been in existence, certain land has been allotted by the State Government on lease and the lessee are cultivating their lands. That, aforesaid report was filed on the basis of Patwari Report dated 14/02/2025 itself.

That, on 21/02/2025 Nazul Department submitted his report to Upper Collector that the land situated in village Navapada admeasuring area 20.407 hectare may be allotted to respondent No. 2. That, on 24/02/2025 the Committee constituted and known as Jila Nirvartan Samiti in its meeting on 24/02/2025 resolved to allotted land admeasuring area 206.084 hectare situated at village-Rajod and land admeasuring area 20.407 hectare of village Navpada is to be allotted to respondent No. 2 by respondent No. 1. That, the Upper Collector in turn on 27/02/2025 recommended the

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Collector for allotment of land admeasuring area 206.084 hectare/sq.mtr. of village Rajod and area 17.764 hectare/sq.mtr. of village Navpada may be allotted to respondent No. 2.

That, the Sub Divisional Officer on 18/08/2025 directed the Revenue Inspector for demarcation and for hand over the possession. In turn the Revenue Inspector on 19/08/2025 prepared paper formalities only without ascertaining the legal provisions as also prepared a Panchnama in which no inhabitants were informed. The matter was initiated by Gram Panchayat Kachnariya in Jan 'Sunwai on 07/04/2026. That, the Collector prior to the various recommendation passed orders vide Annexure- P/1 on 06/02/2025 for allotment of land of village Rajod in Case No. RCMS Kramank 0094/2024-25/Aa-20(3) as also for village Navapada in Case No. RCMS Kramank 0096/2024-25/Aa-20(3). Being aggrieved by the impugned order, present petition has been filed.

C. <u>W.P. no. 20224 of 2026</u>

That, Gram Panchayat Tandakheda (Mehgaon) Amyjhera which was previously known in this name and style and 'thereafter Gram Panchayat 'Tandakheda (Mehgaon) consisting of various Gram Panchayat. The petitioner is resident of village -Tandakheda Amjhera and elected Sarpanch of Gram Panchayat Tandakheda (Mehgaon) Amjhera and such performing his duties diligently and honestly and has been authorized to sign the petition alongwith affidavit.

That, it is pertinent to mention here that under the

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mandatory provisions of PESA Act, prior to allotment/ transfer of either government land or any other land within the territory of Gram Panchayat, a prior consultation by the authority is condition precedent and prior to initiation of allotment proceeding. A publication inviting claims and objections in two newspapers having wide circulation in the locality is to be carried out by the respondent State, but no such consultation/public notice at any point of time was issued by the respondent State.

That, for the purpose of transfer of nazul/government land belonging to inhabitants by way of allotment application in prescribed proforma was filed by NRED through its under Secretary Sharmila Thakur to the Collector, District Dhar for allotment of land admeasuring area 83.9290 (hectare/ sq.mtr.) of Tandakheda Amjhera situated within the territory of Gram Panchayat Tandakheda Amjhera. In the application, the name of firm owner Ms. Sharmila Thakur, under Secretary, NRED has been mentioned while it is a government property and not the individual property of Ms. Sharmila Thakur. In the application, Pocess fee amounting to Rs. 0/- has been mentioned and the date of deposit is 23/08/2024. The Collector has also not mentioned the date on which the application was received in his office and the mode of it:

That, on 10/10/2024, the Collector District Dhar registered the case and forwarded it to Sub Divisional Officer for submitting its report. The Sub Divisional Officer registered

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the case and passed an order for publication of Notice and to seek no objection certificate from various departments as also asked for report of Revenue Inspector and Halka Patwari on 22/10/2024. A copy of the proceeding registering the case and forwarding it to Tehsildar, Tehsil Sardarpur is ANNEXURE P/5, in which, the names of few owners Bhumiswami of land were also mentioned. That, on 05/11/2024 the Tehsildar, Tehsil Sardarpur forwarded the case to Revenue Inspector for asking his report. That, on 05/11/2024 itself the office of Tehsildar, Tehsil Sardarpur issued publication asking objection on or before 20/11/2024. That, on 06/11/2024 the Tehsildar asked for submitting to NOC from various departments. That, on 06/11/2024 the Tehsildar vide its letter asked bmitting of reports of Revenue Inspector Circle-2, Sardarpur and Halka Patwari village Tandakheda Amjhera. That, the petitioner / Gram Panchayat Tandakheda Amjhera (Mehgaon) conveyed the meeting on 25/11/2024, 26/11/2024 and 27/11/2024 and passed various resolution mentioning the fact that the land which is proposed to be allotted to respondent No. 2 consist of Public Pond, Well, Sitlamata Temple and other constructed area and resolved not to allot the land for establishment of Solar Park. Copies of the resolution passed in Gram Sabha meeting is ANNEXUE P/10 and accordingly informed the authorities raising its objection. That, thereafter the petitioner on 04/05/2025 informed the Tehsildar, Tehsil Sardarpur, District Dhar regarding various Survey Numbers

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situated in the territory of Gram Panchayat raising various objections. That, on 30/06/2025 the Revenue Inspector Circle-2 Sardarpur submitted his report pertaining to allotment of land to respondent No. 2 mentioning the fact of Charnoi area, in the land Padat Kadim, Khaddar, Nala, Abadi, Pond, - Road, Temple, Playing Ground, Cannal are situated and some of the land is owned by individual agriculturist. In the report i.e. Annexure P/12, although there is a column pertaining to objection, but the Revenue Inspector intentionally had not mentioned the objéction for allotment of the land situated in Gram Panchayat Fandakheda Amjhera.

That, on 01/07/2025 the Tehsildar, Tehsil Sardarpur submitted his report to Sub Divisional Officer for allotment of the land of various Survey Numbers admeasuring area 40.694 hectares to respondent No. 2. That, after receipt of report, the Sub Divisional Officer remanded the case to Tehsildar and undated proceedings were found space in ANNEXURE P/14 upon which the office of Tehsildar on 13/08/2025 asked the Revenue Inspector to furnish his afresh report vide ANNEXURE P/15.

That, the Revenue Inspector on 22/08/2025 submitted afresh report to Tehsildar vide ANNEXURE P/16. In Annexure P/15 the Noiyat of various Survey Numbers has been mentioned. The Revenue Inspector also mentioned in Annexure P/16 that the land proposed to be allotted consist of Road, Cannel, River, Stop Dam, Nala, Abadi, Khalihan, Play

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Ground, School, but intentionally omit to mention the objection raised by the petitioner Gram Panchayat Tandakheda Amjhera. The report consist of Spot Map also which is part and parcel of Annexure P/16. That, on 22/08/2025 itself the Tehsildar forwarded his recommendation to Sub Divisional Officer vide ANNEXURE P/17. In Annexure P/17, "22/08" has been written by hand while the entire report is typed one. That, the undated proceedings of Sub Divisional Officer by which the case was again forwarded to Tehsildar for removal of deficiencies again vide ANNEXURE P/18 and the Revenue Inspector on 31/10/2025 again furnished the recommendation to Tehsildar vide ANNEXURE P/19. The Sub Divisional Officer forwarded his recommendation to Collector District Dhar for allotment of 40.694 hectares/sq.mtr. of land for establishment of Solar Park to Collector. The recommendation is undated and annexed herewith and marked as ANNEXURE P/20.

That, on 04/11/2025 the Sub -Divisional Officer recommended its report to allot land admeasuring area 28.091 hectares mentioning new amended Survey Numbers without there being any proceedings initiated prior to 04/11/2025. That, the Tehsildar, Nazul Department recommended for allotment of land to respondent No. 2 by respondent No. 1 admeasuring 28.091 hectare. The Nazul Department although mentioned that the petitioner Gram -Panchayat Tandakheda (Mehgaon) vide its letter/objection bearing No. 27, dated 04/05/2025

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raised objection not to allot the land for ready reference. That, in Annexue P/22 the Officer Incharge Nazul Department has casually mentioned that District Nazul Nirvartan Samiti accorded his consent. That, the District Nazul Nirvartan Samiti held in its meeting and resolved to allot 28.091 hectares of land to respondent No. 2 by respondent No. 1 vide ANNEXURE P/23. In Annexure P/23, no date has been mentioned by the Samiti. The Collector (respondent No. 1) passed order on 06/04/2026 for allotment of land of village Tandakheda Amjhera in Case No. 0153/2024-25/Aa-20(3). Being aggrieved by the impugned orer, present petition has been filed.

D. <u>W.P. no. 20227 of 2026</u>

That, the Gram Panchayat, Bodali consists of various Gram Sabha. The petitioner is a resident of village-Bodali and an elected Sarpanch of Gram Panchayat, Bodali and he has been authorized to sign the petition alongwith an affidavit, as also to prefer objection prior to passing of the allotment order of land to respondent No. 2 by respondent No.1, in which, it has been mentioned that the land, which is sought to be acquired for establishment of Solar Park within the territory of Gram Panchayat, Bodali, is Gochar land, upon which the cattle of villagers graze, thus the villagers by this are able to live by grazing the Charnoi land of their cattle. The land is in possession of agriculturists, who are performing agriculture activities. The Gram Panchayat has also not accorded any

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sanction as provided under PESA Act. Various Survey Numbers are Nistar land, in which Ponds are situated, roads and houses are there, in which inhabitants of Gram Panchayat, Bodali are residing, there are Temples and School Building and also the land consist Trees in the nature of Forest. That, the Gram Panchayat in its meeting passed a resolution to file the petition before the Hon'ble High Court of Madhya Pradesh by Sarpanch Bhamar Singh S/o Sukhram Bhil Adiwasi.

That, it is pertinent to mention here that under the mandatory provisions of PESA Act, prior to allotment/ transfer of either government land or any other land within the territory of Gram Panchayat, a prior consultation by the authority is condition precedent and prior to initiation of allotment proceeding. A publication inviting claims and objections in two newspapers having wide circulation in the locality is to be carried out by the respondent State, but no such consultation/public notice at any point of time was issued by the respondent State.

That, for the purpose of Nazul/Government land as also Bhumiswami land situated in the territory of Gram Panchayat, Bodali, respondent No. 2 / NRED through its under Secretary Ms. Sharmila Thakur filed an application in prescribed proforma to the Collector, District - Dhar for allotment of various Survey Numbers to establish Solar Park. In this proforma application, the name of firm owner Ms. Sharmila Thakur, under Secretary, NRED has been mentioned,

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while it is a government property and not the individual property of Ms. Sharmila Thakur. No amount has been deposited by respondent No. 2 in any manner.

That, the Collector, District-Dhar registered the case for allotment of land and forwarded it to Sub Divisional Officer for submitting its report, upon which, the Sub-Divisional Officer registered the case on 22/10/2024 and forwarded it to the Tehsildar, Tehsil- Sardarpur for submitting its report. The Tehsildar, Tehsil Sardarpur forwarded the same for inquiry report to Revenue Inspector, Circle-2 Sardarpur on 05/11/2024. That, on 06/11/2024, the Tehsildar vide its letter for opinion of various department vide letter Annexure-P/6.. That, on coming to know regarding allotment of government land for the purpose of establishment of Solar Park, Gram Panchayat, Bodali passed resolution on 16/11/2024 objecting the allotment proceeding observing that upon the land, various constructions including Temples, the land is Nistar land, Ponds are also situated and the Charnoi land is being used for cattle of inhabitants of various Gram Sabha situated in Gram Panchayat Bodali. The objection was also forwarded to the Tehsildar, Tehsil Sardarpur on 19/11/2024. That, on 09/02/2025 the Tehsildar forwarded the report to the Sub Divisional Officer for allotment of 163.694 hectare/sq.mtr of land, in which, it was also mentioned that Gram Panchayat, Bodali passed resolution on 19/11/2024 and filed objection for such allotment and the existence of Mata

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Mandir and other construction was also mentioned. That, the Sub Divisional Officer vide its recommendation forwarded to the Collector (Nazul Department) mentioning that respondent No. 2 has submitted afresh / new list of various Survey Numbers. That, on 16/05/2025 the Tehsildar forwarded his recommendation to the Sub Divisional Officer for allotment of land to respondent No. 2 by respondent No. 1.

That, on 22/05/2025 again the Tehsildar, Sardarpur asked for NOC of various department vide ANNEXURE P/12. That, on 22/05/2025 itself published *Vigyapti* inviting objections on or before 26/05/2025. That, on 23/05/2025 again the petitioner Gram Panchayat, Bodali filed objection before the Tehsildar. That, on the basis of patwari report, the Revenue Inspector submitted his formal report. That, the Sub Divisional Officer submitted his undated recommendation to the Collector mentioning that Gram Panchayat, Bodali in its meeting dated 19/11/2024 passed resolution not to allot the land situated within the territory of Gram Panchayat Bodali, however, recommended for allotment of 408.566 hectare land to respondent No. 2. That, on 11/07/2025 Nazul Department asked the Sub-Divisional Officer for correction of deficiencies in report. That, on 23/08/2025 Revenue Inspector submitted fresh report to the Tehsildar vide ANNEXURE P/18 for allotment of 163.903 hectare of land. In Annexure P/18, it was also mentioned that the part of the land is Padat, Kadim Khal, Charnoi, Abadi Land, in which Ponds and Roads are in

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existence, however; recommended to allot the land. That, the Sub Divisional Officer forwarded his recommendation to allot 367.063 hectare of land situated within the territory of Gram Panchayat, Bodali. That, on 13/02/2026 a new amended list of various Survey Number was forwarded by Revenue Inspector to Tehsildar and the Tehsildar in turn forwarded it to Sub Divisional Officer. That, the Nazul Department also recommended for allotment of 367.063 hectares of land vide undated letter. That, the Upper Collector recommended to allot 367.063 hectare of land to respondent No. 2 in which amended Survey Number was mentioned.. That, the District Nazul Nirvartan Samiti in its meeting resolved to allot 367.063 hectare of land in favour of respondent No. 2 by respondent No. 1. In the resolution [Annexure P/24], no date has been mentioned by the Samiti. The Collector (respondent No. 1) passed order vide Annexure P/1 on 07/05/2026 for allotment of land of village Bodali in Case No. 0140/2024-25/Aa-20(3). Being aggrieved by the impugned order, present petition has been filed.

4/ In all these petitions, learned counsel for the petitioners have submitted that the impugned orders in respective petitions have been passed in gross violation of provisions of PESA Act and as also Madhya Pradesh Nazul Bhumi Nirvartan Nirdesh, 2020 [in short “Nirdesh, 2020”]; and as per Rule 22 of the Nirdesh, 2020, the prescribed procedure was not at all followed by the respondent and instrumentality of the government department. It is also submitted that, in the instant case, thére

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is a gross violation of provisions pertaining to submission of inquiry report, publication in newspaper and in the absence of the mandatory provision, the inhabitants were not aware of allotment of the land situated in Villages i.e. Hanumantiyakag, Rajod and Navapada as also Tandakheda Amjhera and Village Bodali in respective petitions, upon which, they are cultivating as government lessee/as trespasser, their cattles are grazing on the Charnoi land. On the land, there are certain Wells, Temples, Houses, in which inhabitants are residing. In this regard, there is a report of Revenue Inspector. The material aspect was not at all considered at the time of passing of the impugned orders passed by the Collector; It is also submitted that despite the fact that the Gram Panchayat (petitioner) preferred objection regarding allotment of the land, no opportunity of hearing was given to the villagers, as also the office bearers of Gram Panchayat/Janpad Panchayat. Learned counsel further submitted that no elected Parliament Member or State Legislative Assembly (MLA), President, Municipal Council Sardarpur were asked prior to allotment, who has been elected by public at large and representing the public interest. Learned counsel also submitted that all the proceedings of government instrumentality have been completed in hoch-poch manner; It is also submitted that there are two reports one pertaining to 102.358 hectares of land for allotment and another 87.275 hectares for allotment, thus the respondents are not certain that how much land is required for establishment of Solar Park. It is further submitted that from bare perusal of Annexure P/23, the report of Revenue Inspector, it is evident that there are material alteration. It is further submitted that no prior consultation, which is a constitutional mandate as per the PESA Act, was not at all

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conducted by consulting the Gram Panchayat prior to institution of the proceedings for allotment of land to respondent No. 2 by respondent / Collector, hence the entire proceedings are *ab-initio,* null and void in the eyes of law. It is further submitted that the impugned order vide Annexure P/1 has been passed on 06/04/2026, 06/02/2025, 06/04/2026 and on 07/05/2026 respectively prior to the recommendations, which were submitted after the passing of the order, which is evident from various Annexures. It is also submitted that contrary to the recommendation: the area of the land , which is allotted vide order (Annexure P/1) is much more and there is a variance in between the area of the land in various recommendation letter and order passed by the Collector vide Annexure P/1. In view of the aforesaid, counsel for the petitioners have prayed that all the present petitions be allowed and the relief as sought, in respective petitions be also granted.

5/ *Per-contra,* learned counsel for the respondents has opposed the prayer made by the petitioners in all these petitions by submitting that there is mis-application of provisions of Nazul Niyam. Reliance of the petitioner/s on Rule 22 of the Madhya Pradesh Nazul Bhumi Nirvartan Nirdesh, 2020, which specifically governs the leasing out of Nazul land, is misconceived. It is further submitted that the present matters involve the transfer of government Nazul land to a department of the State Government (NRED). Such transfers are exclusively governed by Rule 13 ("राज्य शासन के किसी विभाग को नजूल भूमि का हस्तांतरण"). As per rule 13, notices were duly issued and addressed under the applicable framework and Rule 142. It is further submitted that the consultation stood completed. The requirement of PESA Act is not to take consent from

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gram panchayat. It is further submitted that objections raised by the Gram Panchayat were duly received, reviewed, and addressed by the revenue authorities. It is also submitted that the lands containing active public schools, temples, or community structures and habitation were expressly excluded from the final allotment. The same is apparent from the documents filed alongwith the affidavit filed by the respondent dated 06.11.26. That the land on which such structures were found, have been excluded from the allotment. For clarity, the state alongwith additional affidavit have filed a chart categorically enumerating the Khasra numbers, on which structures were found and were excluded. It is also submitted that under Section 237 of the Madhya Pradesh Land Revenue Code, the statutory requirement is to reserve 2% of the village land for grazing (Charnoi). The authorities have carefully carved out and retained approximately 10% (well above the statutory minimum) for grazing and Nistar purposes, ensuring zero prejudice to local cattle-grazing needs. Details with respect to the same have been filed alongwith additional affidavit filed on 06.11.2026. It is prayed by counsel by the respondents that in view of the aforesaid, present petitions deserve to be dismissed.

6/ I have considered the rival submissions made at the bar and the affidavits filed by the parties in respective petitions, as also perused the records.

The findings in all the writ petitions are as under

7/ It transpires that the Stat Government has also adopted the reply filed by the respondent no. 2 / NRED in W.P. no. 19877 of 2026 and therefore, in W.P. no. 19876/2026, the reply is adopted by the State Government. In this factual background, considered the reply of the

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respondents in respective matters.

8/ The grievance raised by the petitioners that the land belonging to any School or Education Institution has been allotted for the project of Solar Park. It is categorically stated by the respondents in the reply that wherever any School or Educational Institution was found to be situated upon the particular land under consideration, the concerned parcel was specifically excluded from the allotment. The objection regarding inclusion of school land is, therefore, factually incorrect and without basis as stated in further reply. It is also coming on the record, more particularly, in the reply of the Authority, which is filed by the Sub-Divisional Officer that the objections are dealt with to the certain aspects, which are received during the course of land allotment proceeding from the concerned villages and one of the objection, as indicated above, regarding the school and educational institution. The other objections regarding alleged existence of inhabitation upon certain parcel of the allotted lands,for which the respondents have specifically given further reply that the land allotted for the project is a government nazul land and to the extent, any inhabitation or occupation is alleged on exist upon such land, the same is on account of encroachment by the local villagers upon government land and does not confirm any right, title and interest upon such occupance. The title and the ownership of the State Government over the said land has never been in dispute and accordingly, it is submitted in the reply that the allegations that the inhabitated land is allotted, so as to defeat any lawful right of the villagers is misconceived and deserves to be rejected. The third major objection raised by the villagers is regarding alleged inclusion of land being used for grazing

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purpose by the local vilalgers. For that, the reply is filed by stating specifically that due care has been taken to preserve sufficient land for grazing purpose in compliance with section 237 of the Madhya Pradesh Land Revenue Code. The requirement is to reserve 2% of the total land area of the concerned village, however, approximately 10% of the total land area of the concerned village has been specifically retained as *Charnoi* land and has been kept outside the allotment for continuous use by the villagers for grazing purpose. Therefore, it is contended in the reply that adequate provision has been made to safeguard the grazing requirement of the local community and no prejudice is caused to the villagers on account of alleged allotment. It is also borne out from the record that the objections submitted by the villagers were never ignored by the Authority and it transpires that the respondents have addressed the grievances of the petitioners raising by way of objections during the course of proceeding. So far as the contentions regarding non-consultation with Gram Sabha in Gram Panchayat under the provisions of the PESA Act, 1996 is concerned, it is required to refer to Section 4 (i) of the PESA Act, which reads as under :

> *"(i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-setting or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level."*

Whereby it seems that the language, which is used, is that consultation with Gram Sabha is required and the term used is "consultation" and not consent, therefore, it cannot be said that the consultation means to obtain specific consent from particular Gram

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Sabha. It also transpires that once meaningful consultation undertaken by the State Government, that is, the views expressed by the Gram Sabha have been duly addressed, the ultimate decision continues to vest with the respondent / Authority and therefore, it cannot be said that section 4 of the PESA Act contemplates any individual opportunity of hearing to the villagers to such objectors. The only contemplation is to the extent of consultation, which is effectively taken place by addressing all the grounds raised by the objectors in their respective objections. Otherwise also, by considering the judgment delivered by Hon'ble Apex Court in the case of **Narmada Bachao Andolan vs. Union of India and Others, (2000) 10 SSC 664 ,** relevant para nos. 233 and 234 are required to be reproduced, which are as under:

> " 233. At the same time, in exercise of its enormous power the Court should not be called upon or undertake governmental duties or functions. The Courts cannot run the Government nor the administration indulge in abuse or non-use of power and get away with it. The essence of judicial review is a constitutional fundamental. The role of the higher judiciary under the constitution casts on it a great obligation as the sentinel to defend the values of the constitution and rights of Indians. The courts must, therefore, act within their judicially permissible limitations to uphold the rule of law and harness their power in public interest. It is precisely for this reason that it has been consistently held by this Court that in matters of policy the Court will not interfere. When there is a valid law requiring the Government to act in a particular manner the Court ought not to, without striking down the law, give any direction which is not in accordance with law. In other words the Court itself is not above the law.
>
> 234. In respect of public projects and policies which are initiated by the Government the Courts should not become an approval authority. Normally such decisions are taken by the Government after due care and consideration. In a democracy welfare of the people at large, and not merely of a small section of the society, has to be the concern of a responsible Government. If a considered policy decision has been taken, which is not in conflict with any law or is not mala fide, it will

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> not be in Public Interest to require the Court to go into and investigate those areas which are the function of the executive. For any project which is approved after due deliberation the Court should refrain from being asked to review the decision just because a petitioner in filing a PIL alleges that such a decision should not have been taken because an opposite view against the undertaking of the project, which view may have been considered by the Government, is possible. When two or more options or views are possible and after considering them the Government takes a policy decision it is then not the function of the Court to go into the matter afresh and, in a way, sit in appeal over such a policy decision.

9. The above mentioned paragraphs clearly indicates that the project under challenge seeks to advance significant public interest by promoting renewable energy generation, industrial growth, regional infrastructure development and employment generation. In this factual background, judicial review under Article 226 of the Constitution of India is confined to examination of the decision-making process and not the merits of governmental policy decisions and therefore, when the petitioners fails to establish his case there there is patent arbitrariness, *mala fides* or violation of statutory provisions, the policy decision of the State Government cannot be interfered with by this Court. It also transpires that there is no vested or enforceable legal right available to the petitioner which is violated by the impugned allotment. All the petitions seek to challenge a policy decision relating to Government land without demonstrating infringement of any statutory or constitutional right. Therefore, I am of the opinion that there is no ground is made out or cause of action has arisen, which warrants exercise of extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. It also transpires from the record that the land allotment for the Solar Power Project in the villages namely Hanumantiya Kag, Tandakheda,

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Bodali and Kachnariya, simated in District Dhar, has heen undertaken after following the due process of law and the procedure prescribed under the applicable statutory powers. The entire allotment process was preceded byconsideration of the relevant revenue records, administrative reports, recommendations of the respondent authorities. It clearly found on record that no interference is warranted by this Court in exercise of extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. It also transpires from the record, the impugned orders in respective writ petitions have been passed in accordance with law and do not suffer from any illegality or arbitrariness warranting interference by this Court under Article 226 of the Constitution of India and therefore, I am of the opinion that when the impugned allotments represent administrative decision taken after examination of the reports submitted by various revenue authorities and after the respondents have considered the various aspects including objections raised by the concerned Village Panchayat by balancing local concerns with the overwhelming public interest sought to be achieved and therefore, no interference is required by exercising extraordinary writ jurisdiction of this Court. As found that there is no arbitrariness or any violation of statutory or constitutional provision and also considering the larger public interest involved in present petitions and there is no grave error in decision process is found and also considering that the Court should be very slow in policy decision of State Government, on all these counts, I found no merits in present petitions which require to be dismissed as no case is made out to interfere by exercising extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

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10/ Accordingly, all the present petitions are **dismissed**.

11. The signed order be kept in the file of **W.P. Nos 19876 of 2026** and a copy thereof be kept in the file of connected petitions.

CC as per rules.

(SANDEEP N. BHATT)
JUDGE

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