

Manish Khandelwal vs Deepak Kumar on 9 October, 2026

NEUTRAL CITATION NO. 2026:MPHC-IND:28599

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SANDEEP N. BHATT
ON THE 9th OF OCTOBER, 2026
MISC. PETITION No. 583 of 2020
CNR No.: MPHC020028922020
MANISH KHANDELWAL AND OTHERS
Versus
DEEPAK KUMAR AND OTHERS

Appearance:

Shri Veer Kumar Jain – Senior Advocate with Shri Prasanna R.
Bhatnagar – Advocate for the petitioners.
Shri Jamil Sheikh – Advocate for the respondent no.1 .
Ms Pranjali Yajurvedi – Govt. Advocate for the respondents no. 2 to 4/State.

HEARD ON : 01.10.20

PRONOUNCED ON : 09.10.20

WHETHER REPORTABLE : YES

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ORDER

The present petition under [Article 227](#) of the Constitution of India has been filed praying for the following reliefs:

" 7. RELIEF PRAYED FOR:-

It is therefore, prayed that this writ petition may kindly be allowed with cost and by issuing appropriate writ, directions or orders

(a) The impugned order Annexure P/1 dated 25.10.2018 passed by the Additional Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599

2 MP-583-2020 Commissioner (Revenue), Indore in case no. 161/Appeal/2017-2018 may kindly be quashed.

(b) The impugned order Annexure P/2 dated 29.09.2017 passed by the Sub Divisional Officer, Sanyogitaganj, Indore in case no. 3/Appeal/2016-2017 may also be kindly quashed.

(c) The impugned order Annexure P/3 dated 03.11.2016 passed by the Tehsildar in Revenue case no. 1/A-6/2015- 2016 may also be kindly quashed.

(d) The respondents may kindly be directed to allow the application filed by the Petitioners under Section 109-110 of MPLRC, 1959 and the Revenue Authorities may kindly be directed to mutate the name of the Petitioners in the revenue records with respect to the land bearing Survey No. 669/3, 669/4, 669/4 situated at Patwari Halka No. 67, Village- Sanawadiya, Tehsil and District Indore.

(e) Any other relief which this Hon'ble Court may deem fit may kindly be granted in favour of the petitioner and allow this petition with cost."

2. FACTS OF THE CASE IN BRIEF Petitioners have purchased land bearing Survey No(s). 669/3, 669/4, 669/4 situated at Patwari Halka No. 67, Village- Sanawadiya, Tehsil and District Indore vide sale deed dated 03.08.2010 from the Respondent No. 1. 5.2 Before purchasing the land from the Respondent No.1 Deepak Kumar, the Petitioners enquired about the title of the Deepak Kumar and Deepak Kumar has provided the copies of Bhu-Adhikarals Avam Rin Pustika in which his name was recorded as Bhumiswami. After verifying the revenue records, the Petitioners purchased the above land. Prior to the owner Deepak Kumar, the land was recorded in the name of Kalu Slo Harnath and Fuliya So Heera & Moolchand in the year 1983-1984.

Thereafter, in the year 2002-2003 the land was recorded in the name of Chhotelal Sio Ramet and Mulchand. and thereafter, vide registered sale deed dated 31.03.2010, the respondent no. 1 purchased the land from the LR's of Chote Lal ji . After purchasing the land, the respondent no. 1 filed an application for mutation before the Tehsildar and the same was allowed vide Order dated 31.05.2010. On 02.02.2016 ,the Petitioners have purchased the said land from the Respondent No. 1 and submitted an application before the Tehsildar, Tehsil Sanyogitaganj, Indore under Section 109-110 of M.P. Land Revenue Code, 1959 [referred to as ' the Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 3 MP-583-2020 MPLRC ' hereinafter] for mutating their name on the basis of registered sale deed. Alongwith the application, the Respondent No. 1 also submitted his no objection/ consent. After receiving the application, the Tehsildar registered Revenue Case No. 1/A-6/2015-2016 and issued the notification inviting objections and also sought report from the Patwari. After receiving the report from the Patwari, vide Order dated 03.11.2016, the Tehsildar rejected the application of the Petitioners on the ground that as per the Patwari report the disputed land belongs to the Government, therefore, no order for mutation can be passed under Section 109-110 of the MPLRC. Petitioners preferred first appeal u/S 44(1) of the MPLRC against the order of Tehsildar, which was rejected by the respondent no.3/SDO vide impugned order. Thereafter, petitioners preferred second appeal under Section 44(2) of the MPLRC before the Additional Commissioner(Revenue), which was also dismissed. Hence, the present petition has been filed.

3. SUBMISSIONS OF COUNSEL FOR THE PETITIONERS

(i) It is submitted by the counsel for petitioner that as per Section 158 (3) of the MPLRC, the person holding the land will be the Bhumiswami of the land and no permission was required for transfer of the land. The provision of permission was inserted by way of MP LRC Amendment Act, 1992 w.e.f. 28.10.1992 and prior to that Bhumiswami rights accrued to Kalu S/o Harnath, Fuliya S/o Heera and Moolchand S/o Buddha and the subject land was recorded in the name of Chhotelal. Thus, the recording of their names as owners in the Govt. record, which was never disputed or was ever set aside. The Respondents cannot dispute their own record, therefore, these lands are not government lands and there was no impediment in sale of the land and mutation of land in the name of petitioners.

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(ii) It is further submitted that the registered sale deeds carries presumption of validity and the same cannot be denied only by the report of Patwari that as per settlement i.e. 'misal bandobast' the land was recorded as government land. The contention of respondents that as per Patwari report the land was recorded as government under the 'misal bandobast' cannot be made the basis for denial of mutation in favour of petitioners because there is no source of Patwari report.

Moreso, no settlement record has been produced before the Tehsildar vouching for the fact that the disputed land is a Government land and on the contrary, the petitioners have submitted the corresponding khasra entries to show that the land was recorded in the name of Kalu S/o Harnath and thereafter, in the name of Chhotelal S/o Ramet.

(iii) It is submitted that petitioners are bona fide purchasers through a registered instrument and registered document carries presumption of validity unless set aside by competent court of law.

In this regard, learned counsel for the petitioners has pressed into service, the judgment of Hon'ble Supreme Court in the matter of [Prem Singh vs. Birbal](#) reported in (2006) 5 SCC 353 and also the case of [Ranveer Singh vs. State of M.P.](#) reported in 2010 (4) MPLJ 178 whereby the full bench of this Court has held that no suo moto powers can be exercised after lapse of 6 months. Settled position cannot be unsettled.

(iv) It is submitted that the revenue authorities have erred in not mutating the name of petitioners on the land in question despite the fact that petitioners have purchased the above land through sale deed dated 03.08.2010 and the sale deed has been executed after verifying the revenue records and in the revenue records, it has never been mentioned that the land belongs to the Government.

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(v) It is also submitted that the report prepared by the Patwari was erroneous and without considering the relevant records, but the said fact has not been considered by the Tehsildar while rejecting the application of petitioners.

(vi) It is also submitted that both the appellate Courts have also committed error of law in not appreciating the sale deed possessed by the petitioners which was a duly registered document, which cannot be denied by the revenue authorities.

(vii) It is further submitted that earlier with respect to the same land, earlier vide order dated 31.05.2010, the Tehsildar has allowed the application of respondent no.1 and mutated the name of respondent no.1 in the revenue records as the said land was purchased by the respondent no.1 from the legal heirs of late Chhotelal Sirsiya, whose name was appearing in the revenue records. Thus, for the same land the then Tehsildar had allowed the mutation application, but the subsequently, it was rejected.

(ix) It is submitted that the impugned orders are contrary to the earlier orders passed by the same authority as the same is infringing the value rights of the petitioners to get their names mutated on the land in question.

(x) It is contended that the learned First Appellate Court had exceeded its jurisdiction and passed the impugned order merely on the basis of assumption and presumption in as much as the first Appellate Court has mentioned that as per the report of the Patwari, in the year 1925-1926, the land was recorded as Government Land. Such finding of the SDO is perverse and contrary to the records bare perusal of the Patwari report nowhere mentions that in the year 1925-26, the land was recorded as Government land and therefore, the First Appellate Court without there being any material available on record has passed the impugned order.

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NEUTRAL CITATION NO. 2026:MPHC-IND:28599 6 MP-583-2020 Moreso, the Second Appellate Court has also not considered the relevant facts and passed the impugned order merely on assumption and presumption.

Learned counsel for the petitioners has further relied upon the following judgments in support of his submissions:

[Prem Singh vs. Birbal](#) reported in (2006) 5 SCC 353.

[Ranveer Singh vs. State of M.P.](#) reported in [2010 (4) MPLJ 178] Koli Parshottambhai vs. State of Gujarat SCA No. 253/2013 Dt. 17/02/2026.

[State vs. Adhunik Grih Nirman](#) in WA No. 275/2013 Dt. 04/03/2024.

[State of M.P. vs. Bharat Singh](#) in WA No. 613/2023 Dt. 27/04/2023 & 20.09.2024.

It is submitted that the present petition may be allowed in terms of the reliefs as sought in the relief clause.

4. SUBMISSIONS ON BEHALF OF THE STATE

(i) Mutation neither creates nor extinguishes title - It is submitted that the law on this point is settled by a long line of Supreme Court decisions. Mutation in the revenue record neither creates nor extinguishes title and has no presumptive value on title; it serves only the fiscal purpose of identifying who has to pay land revenue. [Sawarni v. Inder Kaur](#) reported in (1996) 6 SCC 223; Balwant Singh v.

Daulat Singh (D) by LRs reported in (1997) 7 SCC 137 ; [Suman Verma v. Union of India](#) reported in (2004) 12 SCC 58 ; [Suraj Bhan v. Financial Commissioner](#) reported in (2007) 6 SCC 186 .

(ii) The Supreme Court reiterated the position, in the case of Jitendra Singh v.

State of M.P., reported 2021 SCC OnLine SC 802 (paras 6-7). It held that where Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 7 MP-583-2020 title is disputed, the claimant must first have the right crystallized before the competent civil court, and only then a mutation follow. The Court there collected the earlier decisions, including [Faqruddin v. Tajuddin](#) reported in (2008) 8 SCC 12, Rajinder Singh v. State of J&K reported in (2008) 9 SCC 368 , Municipal Corporation, Aurangabad v. State of Maharashtra, reported (2015) 16 SCC 689 , [T. Ravi v. B. Chinna Narasimha](#), reported (2017) 7 SCC 342 , [Bhimabai Mahadeo Kambekar v. Arthur Import & Export Co.](#), reported (2019) 3 SCC 191 and [Prahlaad Pradhan v. Sonu Kumhar](#) reported in (2019) 10 SCC 259 .

(iii) The principle was applied again in [P. Kishore Kumar v. Vittal K. Patkar](#), 2023 INSC 1009 (paras 11-16) , and was reiterated most recently in the case of [Karam Singh v. Amarjit Singh](#), 2025 INSC 1238 (15.10.2025). A Division Bench of this Court has also applied it in W.A. No. 2465/2025 (decided 30.10.2025), holding that mutation entries are for revenue purposes and that it is for the civil court to determine the title, in case of any dispute. The petitioners' case fails at the threshold in as much as as prior mutation dated 31.05.2010 in favour of Deepak Kumar cannot itself establish that Deepak Kumar, or the petitioners after him, acquired title to what the revenue authorities have found to be Government land.

(iv) A registered sale deed cannot pass a better title than the vendor had -

Learned counsel for the respondent/State submitted that it is the case of petitioners that they have bought the land in question for consideration by way of a registered sale deed after duly gaining knowledge about the revenue record, but registration only authenticates the instrument, it does not cure absence of title in the transferor as a transferee can take no better title than his transferor had. In this regard, learned counsel for the respondent/State has pressed into service, the judgments rendered in the case of [P. Kishore Kumar v. Vittal K. Patkar](#) reported Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 8 MP-583-2020 in 2023 INSC 1009 (paras 11-16, 26-29) and State of [A.P. v. Star Bone Mill & Fertiliser Co.](#), reported in (2013) 9 SCC 319.

(v) It is contended by the learned counsel for the State that the chain begins with the successors of Chhotelal and passes through Deepak Kumar. No document is shown by which the State parted with the land, or by which any of these earlier title holders acquired transferable rights from the State. The petitioners' deed therefore rises no higher than the title of Deepak Kumar, whose title is itself unproved.

Section 117 of the MPLRC raises only a rebuttable presumption - The presumption under Section 117 of the MPLRC attaches to entries in the record of rights, but it is rebuttable. It does not dispense with proof of the fact the entry projects, and the genuineness, correctness and legality of an entry may be examined by the competent authority. In this regard, the judgment passed in the case of [Shakuntala \(Smt.\) v. State of M.P.](#), reported in I.L.R. (2019) M.P. 824 has been relied upon by the counsel for the State.

(vi) It is further submitted that State has produced the historical Government classification and the enquiry findings in the order dated 18.10.2021. The petitioners, for their part, have not produced the foundational order that would explain how Government land became private land. Later private entries, however many, cannot displace that record. P. Kishore Kumar specifically cautions against treating a multiplicity of revenue entries as a substitute for a legally operative source of title. The burden does not shift to the State merely because a private name appears in later khasras.

(vii) Sections 158(3), 165(7-b) and 182 MPLRC: It is submitted that petitioners cannot assume Bhumiswami rights - It is submitted that the petitioners have Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 9 MP-583-2020 raised the ground that in the alternative, if the land was leased by Government, the lessee became Bhumiswami after ten years under Section 158(3) of the MPLRC. This is an assumption, not proof. Deemed Bhumiswami status under Section 158(3) of the MPLRC flows from a qualifying lease or allotment, and the petitioners have not produced the original patta or lease order, or shown its terms, its date, or the rights it conferred. It is submitted that this Court had declined to allow a claimant to presume Bhumiswami rights from revenue entries alone where the original patta was not produced, and held that a Government lessee cannot alienate lease-held land contrary to Section 165(7-6) as held in the case of [Ramjilal v. State of M.P.](#) reported in 2025:MPHC-GWL:14886 (paras 10-17). It is further submitted that even on the petitioners' alternative case, the answer is against them. A person who holds land from the State as a Government lessee, or who becomes bhumiswami under Section 158(3) of the MPLRC, cannot transfer the land without the written permission of a Revenue Officer not below the rank of Collector. The proviso to Section 158(3) of the MPLRC additionally bars transfer for ten years from the date of lease or allotment. This Court has consistently held that a transfer without such permission is void and that the purchaser acquires no rights, and that a mutation effected on the strength of such a sale cannot stand. In this regard, the judgment passed in the case of [Mulayam Singh v. Budhwa Chamar](#) reported in 2002 (2) MPLJ 480 and [Mandu v. State of M.P.](#) reported in 2015 (3) MPLJ 229 have been pressed into service..

(viii) The co-ordinate Bench of this Court had applied this reasoning in [Satyanarayan v. State of M.P.](#), 2025:MPHC-IND:5966 (M.P. No. 3596/2018, decided 06.03.2025). There the purchasers had bought from a person who had himself purchased from a Government lessee, and the mutation was set aside in Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 10 MP-583-2020 favour of the State. The Court held that the transferee could not have acquired rights without the Collector's permission, upheld the suo motu action, and left the purchasers to their remedy of a title suit.

(ix) It is also submitted that Government lessees also hold subject to the terms of the grant and are liable to ejection for breach of its conditions. Learned counsel has referred to Section 182 of the MPLRC and pressed into service the judgment passed in the case of [State of M.P. v. Krishnarao Shinde](#) reported in (1991) 2 SCC 81.

(x) It is further pointed out that the reliance placed by the counsel for petitioners' on the case of Adhunik Grih Nirman Sahakari Samiti is misplaced in as much as the line of cases proceeded on the footing that Bhumiswami rights had been conferred by a specific proved order before the relevant amendment.

However, in the present case, petitioners have not shown any such order. In any event, by order dated 16.12.2024, the Supreme Court dismissed the SLP (C) Diary No. 29263/2024 ([State of M.P. v. Adhunik Grih Nirman Sahakari Samiti Maryadit](#)), leaving the question of law open and directed that the impugned judgment shall not be treated as a precedent or quoted in any other case.

(xi) It is submitted that so far as the order of 2021 is concerned, the same is not the subject of petition. The petition impugns orders of 2016, 2017 and 2018. The order passed by the Additional Collector in 2021 is separate, later proceeding, produced by the State as material showing that the very mutation on which the petitioners rely has been cancelled. A challenge to it taken only in a rejoinder, without an amendment to the prayer clause or a separate petition, does not properly bring it before the Court. Second, the statutory source of the 2021 order.

The full record of Revenue Case No. 0026/A-39/2020-21 will be placed before Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 11 MP-583-2020 the Court to show the provision under which it was registered and decided. The order concerns Government land held or dealt with under lease/patta, the terms of the grant and the correction of the record. The State does not contend that Ranveer Singh is wholly irrelevant. But the petitioners have not shown that the order was passed under Section 50 of the MPLRC and the limitation associated with Section 50 cannot be imported into every revenue action concerning Government land, including action under Section 182 of the MPLRC for breach of lease conditions and action to correct a record founded on a transfer barred by Section 165(7-).

b); Thirdly, if Section 50 of the MPLRC is applied, then the Full Bench decision in case Ranveer Singh, 2010 (4) MPLJ 178 held that suo motu revision under Section 50 of the MPLRC should be exercised within 180 days from the date the revisional authority acquires knowledge of the illegality, impropriety or irregularity. The State acknowledges that the Full Bench applied this outer limit even where Government land is involved, and that the Supreme Court proceeded on the same footing in [State of M.P. v. Dinesh Kumar](#) reported in 2025 INSC

470. The State's submissions on this footing are:

(xii) Time runs from knowledge and not from the date of the 2010 mutation - A Division Bench of this Court in [Murari Lal v. State of M.P.](#) reported in 1994 MPLJ 378, held that limitation for suo motu action runs from acquiring of knowledge of the relevant fact, and that "reasonable time" is a relative aspect. In this regard, the judgment passed in the case of [State of Gujarat v. Patil Raghav Natha](#), reported in (1969) 2 SCC 187 is worthy of reference. The co-ordinate Bench of this Court has applied the same approach in the case of [Satyanarayan](#) (supra) to uphold suo motu action taken years after the mutation.

(xiii) The decision of Dinesh Kumar relied upon by the counsel for petitioners is Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 12 MP-583-2020 distinguishable - As the State reads it, the Commissioner there sought to revoke a permission granted by the Additional Collector under Section 165(6) for sale of land of members of an indigenous tribe, and the Supreme Court found the revisional order about three years after knowledge. The said judgment is not related with Government lease land where the transfer was itself barred by Section 165(7-b) of the MPLRC and the proviso to Section 158(3) of the MPLRC, and it did not decide that a transfer void by statute acquires validity through lapse of time. It is also submitted that even if the 2021 order were held to be beyond time or wanting in notice, the result would be to remove cancellation of Deepak Kumar's mutation. It would not confer any right on the petitioners. The petitioners' own claim for mutation stands on its own footing and fails, for the reasons discussed above and also the fact that they have shown no valid source of title. Setting aside the 2021 order would at most restore the earlier position and leave the question of title to be decided by the appropriate forum.

(xiv) Want of notice does not entitle the petitioners to mutation - It is also submitted by pointing out the contention of petitioners as regards service of notice before the 2021 order was passed. In this regard it is contended that petition is filed being aggrieved by the orders passed during 2016-2018 mutation proceedings. If the Court considers that notice to the present petitioners was mandatory before adverse consequences could follow, the appropriate course is to require fresh adjudication after due notice to all affected parties. It is not to direct mutation in the petitioners' names and thereby validate a disputed title. Procedural fairness and proof of title are distinct questions, and a breach of the former does not establish the later.

(xv) [Article 227](#) is not a forum for a third round of fact-finding - It is submitted Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 13 MP-583-2020 that the Tehsildar rejected mutation on the basis of report of Patwari. The SDO affirmed the said order in first appeal and the Additional Commissioner affirmed in second appeal. The petitioners now invite the Court to re-read old khasra entries and prefer their view of the record over the concurrent view of three revenue authorities. It is undisputed that the scope of [Article 227](#) is well settled.

High Courts cannot, at the drop of a hat, interfere with orders of tribunals or courts inferior to them, and cannot act as a court of appeal over them. The power is to be exercised sparingly, subject to a high degree of judicial discipline, and to keep subordinate authorities within the bounds of their authority as enunciated in catena of judgments viz., [Shalini Shyam Shetty v. Rajendra Shankar Patil](#) reported in (2010) 8 SCC 329 (para 49);

[Jai Singh v. Municipal Corporation of Delhi](#) reported in (2010) 9 SCC 385 [Garment Craft v. Prakash Chand Goel](#) reported in 2022 INSC 37 (para 15).

5. On the basis of all these submissions, it is prayed that the petition is required to be dismissed.

6. I have considered the submissions made at the Bar and perused the record.

7. I have also perused the order dated 25.10.2018 passed by the Additional Commissioner. Relevant para 5 of the order is reproduced below for ready reference:

" वचरण यायालय तहसीलदार तहसील संयोगितागंज इ दौर के करण के अवलोकन से ात होता है क, अपीलाथ गण ारा तुत आवेदन प के आधार पर ाम सनाव दया थत ाधीन भूमि यथ कमांक 1 से पंजीकृत व य प के आधार पर कय क जाने के फल व प नामांतरण हे तु करण पं जब कया गया । करण म पटवार से भूमि के संबंध म ितवेदन ा कया गया पटवार ारा जांच उपरांत यह ितवे दत कया गया क Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 14 MP-583-2020 ाधीन भूमि िमसल बंदोब त के अनुसार शासक य भूमि दज होकर वतमान म मौके पर पड़त पड़ हुई है । वष 1986-87 के खसरे म उ ले खत जस व ी के आधार पर भूमि को भूमि वामी व व दान कया गया है उ व ी म करण मांक का कोई उ लेख नह ं है । ाधीन भूमि वष 1925-26 एवं वष 1959-60 के खसरे म शासक य दज होना णइ गई ऐसी थित म शासक य भूमि के कय व य के आधार पर सं हता क धारा 109,110 के अ तगत नामांतरण करण चलन यो य नह ं है । अतः तहसीलदार ारा पा रत आदेश म कोई ु ट प रल त नह ं होती है इस आदेश को अपील म अनु वभागीय अधिकार (राज व) ारा थर रखा गया है ।"

8. In this background, only consideration of the Additional Commissioner in the proceedings relying on the report of Patwari whereby it is stated that the land in question is registered as Government land in view of the 'Misal Bandobast'. This aspect which is required to be referred to certain glaring facts with the matter of land bearing Survey No.(s) 669/3 area 0.918 hect., 669/4 area 0.918 hect., 669/5 area 0.441 hect., total land admeasuring 2.277 hect situated at Village Sanavdiya Teh. and Distt. Indore(M.P.) which was initially and undisputedly in the year 1977-78 to 1981-82, the land recorded in the name of Kalu S/o Harnath, Fuliya S/o Heera and Moolchand S/o Buddha for the respective survey numbers.

It transpired from the record that the bhoomiswami(ownership rights) were given to the occupants by order dated 15.04.1986 and the same were recorded in the revenue record from 1986-87 till 2002-03. It further transpired that thereafter, the name of Chotelal S/o Ramet was recorded as bhoomiswami in the revenue record and upon death of Chotelal, his heirs namely, Prem Singh, Suresh Chandra, Manoj and Geeta Bai were recorded as bhoomiswami in the year 2005-06. Thereafter, on 31.03.2010, the respondent no.1 i.e. Deepak Jain had purchased the lands from legal heirs of Chotelal and on 31.05.2010, the name of respondent no.1 was mutated in the revenue records. When it was positively recorded that the land is not a Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 15 MP-583-2020 Government land. It further transpires that the present petitioners are second subsequent purchasers who have purchased the land from Deepak Jain by registered sale deed dated 03.08.2010. . Petitioners who have filed applications before the Nayab Tehsildar for mutation of their names was rejected on the ground that as per the Patwari report, in the year 2025-26, the land was recorded as Government land and therefore, mutation cannot be done. It also transpired that thereafter, proceedings filed before the SDO were also dismissed vide order dated 29.09.2017 and the second appeal before the Additional Collector was also dismissed on 26.10.2018, leading to filing of the present petition.

9. During pendency of the proceedings, though petition is filed on 27.01.2020, the Additional Collector passed an ex-parte order on 18.10.2021 setting aside the mutation of respondent no.1 on an entirely new ground that the land was patta land and was sold without permission and, therefore, the land vests with the Government and cannot be sold without permission. No notice was given by the respondents though they were aware about the fact that the land has already been sold to the petitioners. Nowhere, it is mentioned that the land in question is either a Government Land or patta land. No record has been found. It transpired that the contention is raised by the petitioners mainly relying on Section 158 of the MPLRC that the person holding the land will be bhoomiswami of the land and no permission was required for transfer of land.

10. For ready reference, Section 158 (3) of the MPLRC is reproduced below:

"158. Bhumiswami.

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3. Every person-

(i) [Provided that no such person shall transfer such land within a period of ten years from the date of lease or allotment and thereafter may transfer such land with the permission obtained under sub-section (7-b) of section 165.] [Inserted by M.P. Act No. 17 of 1992 (w.e.f. 28-10-1992).]"

who is holding land in bhumiswami right by virtue of a lease granted to him by the State Government or the Collector or the Allotment Officer on or before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1992 from the date of such commencement, and (ii) to whom land is allotted in bhumiswami right by the State Government or the Collector or the Allotment Officer after the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1992 from the date of such allotment, shall be deemed to be a bhumiswami in respect of such land and shall be subject to all the rights and liabilities conferred and imposed upon a bhumiswami by or under this Code :

11. The provision of permission was inserted by way of MPLRC Amendment Act, 1992 w.e.f. 28.10.1992 and prior to that bhoomiswami rights accrued to Kalu S/o Harnath, Fuliya S/o Heera and Moolchand S/o Buddha in respect of respective subject land and thereafter, the land was recorded in the name of Chotelal and, therefore, recording of their names as owners in the government record which was never disputed and set aside by the competent authority. It is also required to be noted that the registered sale deed carries presumption of validity and the same cannot be denied only by the report of Patwari that as per 'Misal Bandobast' the land was recorded as

government land and, therefore, it cannot be a basis of denial of mutation in favour of petitioners as there is no source of Patwari report. It is also required to be noted that petitioners can be considered as bonafide Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 17 MP-583-2020 purchasers through a registered instrument and registered documents carries their presumption of validity, unless set aside by the competent Court of law as held by the Apex Court in the case of [Prem Singh Vs. Birbal](#) reported in (2006) 5 SCC 353 and relied upon by the counsel for petitioner. Para 27 of the judgment is reproduced below for ready reference and convenience:

"27. There is a presumption that a registered document is validly executed. A registered document, therefore, prima-facie would be valid in law. the onus of proof, thus, would be on a person who leads evidence to rebut the presumption. In the instant case, Respondent no.1 has not been able to rebut the said presumption.."

12. The judgment of full Bench in the case of [Ranveer Singh Vs. State of M.P.](#) reported in 2010(4) MPLJ 178 relied upon by the counsel for petitioner whereby the full Bench has said that no suo-moto powers can be exercised after lapse of six months and that settled position cannot be unsettled by report of Patwari.

13. It is also relevant to note that the Gujarat High Court in the case of [Koli Parshottambai Vs. State of Gujarat](#) in SCA No. 253/2013 dated 17.02.2026 has held that government officers cannot be allowed to dispute private title after lapse of long time to prejudice the rights of the bonafide purchaser. Relevant para 23 of the judgment is reproduced below for ready reference:

23. Further, exercise of suo motu powers by the revenue authority or authorities, after an unreasonable, long delay is legally contentious, particularly because it can disrupt settled positions and create third-party rights for individuals who acted in good faith based on the previous state of affairs.

While suo motu powers are essential for delivering justice in public interest, judicial precedents highlight that they cannot be exercised at any time, but rather within a reasonable period to protect these third-party interests. Ordinarily, when a long delay occurs, subsequent transactions often happen, such as property sales, acquisitions, or career developments, which are valid when made. A belated suo motu decision might revoke these, causing irreparable loss to innocent parties. The revenue authority cannot exercise the revisional powers in a casual manner whenever it wants to be, irrespective of the period of limitation, which even otherwise, not vested to it. Exercise of any Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 18 MP-583-2020 such power should be within the realm of the provisions of the statute

14. Para 43, of Division Bench judgment relied upon by the Counsel for petitioner in the case of [State of M.P. Vs. Adhunik Girah Nirman \[W.A. No. 275/2013 dated 04.03.2024\]](#) is also worthy of reference, which reads as under:

"43. In the light of the aforesaid discussion, this Court finds that the learned Single Judge had rightly observed that there is no provision under Section 165 (7-b) of the Code of 1959 to cancel a Patta rather it only says that Bhumiswami has no right to sale the land without prior permission of the Collector, but ignoring the fact that after grant of Bhumiswami rights in the year, 1976-78 lands in question have exchanged number of hands and, thereafter, approximately 40 years were passed at the time of passing of the impugned order and without issuing notices to the persons who had acquired rights in the said property, the said order was bad in law, according to this Court is also correct observation."

15. Lastly, the Division Bench judgment relied upon by the counsel for petition in the case of [State of M.P. Vs. Bharat Singh \[W.A. No. 613/2023 dated 27.04.2023 and 20.09.2024\]](#), it has been held that:

"3. The brief facts of the case are that land bearing Survey No. 2003/1 admeasuring 0.399 hectares was registered in the name of one Bapulal as per the revenue book circular. In the year 1976, the rin pustika was also prepared in the name of Bapulal and bhoomiswami rights were also conferred upon him. In the year 2013, after his death, name of the successors/legal heirs were recorded in the revenue records. The respondents herein purchased the aforesaid land from the successors of Bapulal vide registered sale deed dated 25.07.2017 and 31.05.2019. Subsequently, the name of the respondents was recorded in the revenue record u/S 110 of the M.P. Land Revenue Code, 1959(hereinafter referred to as 'MPLRC, 1959') on 11.08.2017 and 31.05.2019 respectively and the names of successors of Bapulal was deleted. Thereafter, appellant no.4 filed an appeal against the order of mutation dated 11.08.2017 and 31.05.2019 u/S 44 of the MPLRC, 1959 before the SDO on 11.11.2019 on the ground that the land was wrongly allotted to Bapulal on 22.01.1976. Ultimately, vide order dated 09.03.2020, the SDO held that mutation proceedings in favour of Bapulal were erroneous and directed that the name of appellant no.4 be recorded in the revenue records. The aforesaid order was confirmed by the Commissioner vide order dated 02.02.2021 in the second appeal. Thereafter, respondents herein preferred miscellaneous petition whereby the learned Single Judge, while allowing the petition held as under:

"On due consideration of the aforesaid submissions, as also the aforesaid Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 19 MP-583-2020 judgments rendered by the co-ordinate Benches of this Court and on perusal of the documents available on record, considering the fact that as the predecessor in title of the petitioner was given bhoomiswami rights in the year 1975 ie. prior to 1980, the bar u/S 165(7) of the MPLRC, 1959 would not be applicable and the permission of the Collector was not required."

16. Undoubtedly, the High Court has the power to reach injustice whenever, wherever found. The scope and ambit of [Article 227](#) of the Constitution of India has been discussed in [Estralla Rubber Vs Dass Estate Pvt. Ltd](#) reported in (2001) 8 SCC 97. Relevant para 6 is reproduced below for ready reference:

"6. The scope and ambit of exercise of power and jurisdiction by a High Court under [Article 227](#) of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to."

17. It is also fruitful to refer the observation of judgment of Hon'ble Supreme Court rendered in the case of Surya Devi Rai Vs. Ramcharan Rai reported in 2003(6) SCC 675. Para 11,22,24,25,26,38 and 39 of the judgment are reproduced below for ready reference:

"11. In the initial years the Supreme Court was not inclined to depart from the traditional role of certiorari jurisdiction and consistent with the historical background felt itself bound by such procedural technicalities as were well Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 20 MP-583-2020 known to the English Judges. In later years the Supreme Court has relaxed the procedural and technical rigours, yet the broad and fundamental principles governing the exercise of jurisdiction have not been given a go-by."

22. [Article 227](#) of the Constitution confers on every High Court the power of superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction excepting any court or tribunal constituted by or under any law relating to the armed forces. Without prejudice to the generality of such power the High Court has been conferred with certain specific powers by clauses (2) and (3) of [Article 227](#) with which we are not concerned hereat. It is well settled that the power of superintendence so conferred on the High Court is administrative as well as judicial, and is capable of being invoked at the instance of any person aggrieved or may even be exercised suo motu. The paramount consideration behind vesting such wide power of superintendence in the High Court is paving the path of justice and removing any obstacles therein. The power under [Article 227](#) is wider than the one

conferred on the High Court by [Article 226](#) in the sense that the power of superintendence is not subject to those technicalities of procedure or traditional fetters which are to be found in certiorari jurisdiction. Else the parameters invoking the exercise of power are almost similar.

24. The difference between [Articles 226](#) and [227](#) of the Constitution was well brought out in [Umaji Keshao Meshram v. Radhikabai](#) [1986 Supp SCC 401] . Proceedings under [Article 226](#) are in exercise of the original jurisdiction of the High Court while proceedings under [Article 227](#) of the Constitution are not original but only supervisory. [Article 227](#) substantially reproduces the provisions of [Section 107](#) of the Government of India Act, 1915 excepting that the power of superintendence has been extended by this article to tribunals as well. Though the power is akin to that of an ordinary court of appeal, yet the power under [Article 227](#) is intended to be used sparingly and only in appropriate cases for the purpose of keeping the subordinate courts and tribunals within the bounds of their authority and not for correcting mere errors. The power may be exercised in cases occasioning grave injustice or failure of justice such as when (i) the court or tribunal has assumed a jurisdiction which it does not have, (ii) has failed to exercise a jurisdiction which it does have, such failure occasioning a failure of justice, and (iii) the jurisdiction though available is being exercised in a manner which tantamounts to overstepping the limits of jurisdiction.

25. Upon a review of decided cases and a survey of the occasions, wherein the High Courts have exercised jurisdiction to command a writ of certiorari or to exercise supervisory jurisdiction under [Article 227](#) in the given facts and circumstances in a variety of cases, it seems that the distinction between the two jurisdictions stands almost obliterated in practice. Probably, this is the reason why it has become customary with the lawyers labelling their petitions as one common under [Articles 226](#) and [227](#) of the Constitution, though such practice has been deprecated in some judicial pronouncement. Without entering into niceties and technicality of the subject, we venture to state the broad general difference between the two jurisdictions. Firstly, the writ of certiorari is an exercise of its original jurisdiction by the High Court; exercise of supervisory jurisdiction is not an original jurisdiction and in this sense it is akin to appellate, revisional or corrective jurisdiction. Secondly, in a writ of certiorari, the record of the proceedings having been certified and sent up by the inferior court or tribunal to the High Court, the High Court if inclined to Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 21 MP-583-2020 exercise its jurisdiction, may simply annul or quash the proceedings and then do no more. In exercise of supervisory jurisdiction, the High Court may not only quash or set aside the impugned proceedings, judgment or order but it may also make such directions as the facts and circumstances of the case may warrant, maybe, by way of guiding the inferior court or tribunal as to the manner in which it would now proceed further or afresh as commended to or guided by the High Court. In appropriate cases the High Court, while exercising supervisory jurisdiction, may substitute such a decision of its own in place of the impugned decision, as the inferior court or tribunal should have made. Lastly, the jurisdiction under [Article 226](#) of the Constitution is capable of being exercised on a prayer made by or on behalf of the party aggrieved; the supervisory jurisdiction is capable of being exercised suo motu as well.

26. In order to safeguard against a mere appellate or revisional jurisdiction being exercised in the garb of exercise of supervisory jurisdiction under [Article 227](#) of the Constitution, the courts have devised self-imposed rules of discipline on their power. Supervisory jurisdiction may be refused to be exercised when an alternative efficacious remedy by way of appeal or revision is available to the person aggrieved. The High Court may have regard to legislative policy formulated on experience and expressed by enactments where the legislature in exercise of its wisdom has deliberately chosen certain orders and proceedings to be kept away from exercise of appellate and revisional jurisdiction in the hope of accelerating the conclusion of the proceedings and avoiding delay and procrastination which is occasioned by subjecting every order at every stage of proceedings to judicial review by way of appeal or revision. So long as an error is capable of being corrected by a superior court in exercise of appellate or revisional jurisdiction, though available to be exercised only at the conclusion of the proceedings, it would be sound exercise of discretion on the part of the High Court to refuse to exercise the power of superintendence during the pendency of the proceedings. However, there may be cases where but for invoking the supervisory jurisdiction, the jurisdictional error committed by the inferior court or tribunal would be incapable of being remedied once the proceedings have concluded.

38. Such like matters frequently arise before the High Courts. We sum up our conclusions in a nutshell, even at the risk of repetition and state the same as hereunder:

(1) Amendment by Act 46 of 1999 with effect from 1-7-2002 in [Section 115](#) of the Code of Civil Procedure cannot and does not affect in any manner the jurisdiction of the High Court under [Articles 226](#) and [227](#) of the Constitution.

(2) Interlocutory orders, passed by the courts subordinate to the High Court, against which remedy of revision has been excluded by [CPC Amendment Act](#) 46 of 1999 are nevertheless open to challenge in, and continue to be subject to, certiorari and supervisory jurisdiction of the High Court.

(3) Certiorari, under [Article 226](#) of the Constitution, is issued for correcting gross errors of jurisdiction i.e. when a subordinate court is found to have acted (i) without jurisdiction -- by assuming jurisdiction where there exists none, or (ii) in excess of its jurisdiction -- by overstepping or crossing the limits of jurisdiction, or (iii) acting in flagrant disregard of law or the rules of procedure or acting in violation of principles of natural justice where there is no procedure specified, and Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 22 MP-583-2020 thereby occasioning failure of justice.

(4) Supervisory jurisdiction under [Article 227](#) of the Constitution is exercised for keeping the subordinate courts within the bounds of their jurisdiction. When a subordinate court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or the jurisdiction though available is being exercised by the court in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby, the High Court may step in to exercise its supervisory jurisdiction.

(5) Be it a writ of certiorari or the exercise of supervisory jurisdiction, none is available to correct mere errors of fact or of law unless the following requirements are satisfied: (i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and (ii) a grave injustice or gross failure of justice has occasioned thereby. (6) A patent error is an error which is self-evident i.e. which can be perceived or demonstrated without involving into any lengthy or complicated argument or a long-drawn process of reasoning. Where two inferences are reasonably possible and the subordinate court has chosen to take one view, the error cannot be called gross or patent. (7) The power to issue a writ of certiorari and the supervisory jurisdiction are to be exercised sparingly and only in appropriate cases where the judicial conscience of the High Court dictates it to act lest a gross failure of justice or grave injustice should occasion. Care, caution and circumspection need to be exercised, when any of the abovesaid two jurisdictions is sought to be invoked during the pendency of any suit or proceedings in a subordinate court and the error though calling for correction is yet capable of being corrected at the conclusion of the proceedings in an appeal or revision preferred thereagainst and entertaining a petition invoking certiorari or supervisory jurisdiction of the High Court would obstruct the smooth flow and/or early disposal of the suit or proceedings. The High Court may feel inclined to intervene where the error is such, as, if not corrected at that very moment, may become incapable of correction at a later stage and refusal to intervene would result in travesty of justice or where such refusal itself would result in prolonging of the lis.

(8) The High Court in exercise of certiorari or supervisory jurisdiction will not convert itself into a court of appeal and indulge in reappreciation or evaluation of evidence or correct errors in drawing inferences or correct errors of mere formal or technical character. (9) In practice, the parameters for exercising jurisdiction to issue a writ of certiorari and those calling for exercise of supervisory jurisdiction are almost similar and the width of jurisdiction exercised by the High Courts in India unlike English courts has almost obliterated the distinction between the two jurisdictions. While exercising jurisdiction to issue a writ of certiorari, the High Court may annul or set aside the act, order or proceedings of the subordinate courts but cannot substitute its own decision in place thereof. In exercise of supervisory jurisdiction the High Court may not only give suitable directions so as to guide the subordinate court as to the manner in which it would act or proceed thereafter or afresh, the High Court may in appropriate cases itself make Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 23 MP-583-2020 an order in supersession or substitution of the order of the subordinate court as the court should have made in the facts and circumstances of the case.

39. Though we have tried to lay down broad principles and working rules, the fact remains that the parameters for exercise of jurisdiction under [Articles 226](#) or 227 of the Constitution cannot be tied down in a strait-jacket formula or rigid rules. Not less than often, the High Court would be faced with a dilemma. If it intervenes in pending proceedings there is bound to be delay in termination of proceedings. If it does not intervene, the error of the moment may earn immunity from correction. The facts and circumstances of a given case may make it more appropriate for the High Court to exercise self-restraint and not to intervene because the error of jurisdiction though committed is yet capable of being taken care of and corrected at a later stage and the wrong done, if any, would be set right and rights and equities adjusted in appeal or revision preferred at the conclusion of the proceedings. But there may be cases where "a stitch in time would save nine". At the end, we may sum up by saying that the power is there but the exercise is discretionary which will be governed solely by the dictates of judicial conscience enriched by judicial experience and practical wisdom of the judge."

18. Considering the above said legal position and the fact that prior to amendment in the said [Section 158\(3\)](#) of the MPLRC, which speaks about the person holding the land will be the bhoomiswami of the land and it has to be kept in mind that no permission is required for transfer of land and, therefore, I found that the orders passed by the SDO as well as the Additional Commissioner are apparently perverse, illegal, improper and not in consonance with the settled position of law. The order of Additional Collector is also considered as arbitrary and erroneous, which causes great injustice to rights of petitioner and is required to be interfered with as the findings of the Additional Collector are also not in consonance with the material available on record against the provision of law and, therefore required to be set aside.

19. Since the present petition which is filed under [Article 227](#) of the Constitution has already been admitted vide order dated 01.02.2024 and the matter was listed for final hearing, the contention raised regarding Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38 NEUTRAL CITATION NO. 2026:MPHC-IND:28599 24 MP-583-2020 maintainability of the petition is not required to be considered as petition has already been entertained in view of the earlier order passed by the co- ordinate Bench admitting the petition.

20. In view of the above discussion, the petition is allowed by granting the prayers in the petition and considering the fact that during pendency of the proceedings, further ex-parte order is passed by the Additional Collector which is not in consonance with law, though the said order is not challenged by way of carrying out amendment in the petition, but it is needless to say that any order passed during the pendency of the proceedings can be considered as consequential order which is passed without impleading the petitioner as party, which is not tenable in the eyes of law and, therefore, consequential order dated 18.10.2021 is also set aside.

21. With the aforesaid, petition stands disposed off.

(SANDEEP N. BHATT) JUDGE sh Signature Not Verified Signed by: SEHAR HASEEN Signing time: 09-10-2026 14:07:38