

**HIGH COURT OF MADHYA PRADESH**  
**Bench: Justice Vijay Kumar Shukla**  
**Date of Decision: 03 OCTOBER, 2023**

WRIT PETITION No. 28327 of 2018

1. **GULAB CHAND**
  2. **PHOOL CHAND**
  3. **SANJAY**
  4. **RENU.....PETITIONER**
- Versus**

1. **THE STATE OF MADHYA PRADESH SECRETARY  
VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
2. **COMMISSIONER, (DIVISION DISTRICT UJJAIN  
CUM APPELLATE UTHORITY, URBAN LAND  
(CEILING AND REGULATION ACT,)) REVENUE,  
OFFICE OF COMMISSIONER REVENUE DIVISION  
UJJAIN DISTRICT UJJAIN (MADHYA PRADESH)**
3. **COMPETENT AUTHORITY URBAN LAND (CEILING A  
N D REGULATION), A C T . U J J A I N OFFICE  
OFCOLLECTORATE (MADHYA PRADESH)**
4. **TEHSILDAR NAZUL OFFICE OF TEHSILDAR  
(NAZUL), UJJAIN DISTT. UJJAIN OFFICE OF  
COLLECTORATE UJJAIN (MADHYA PRADESH)**
5. **ASSISTANT LAND MEASUREMENT OFFICER CUM  
R.I. URBAN LAND CEILIN G, OFFICE OF  
COMPETENT AUTHORITY, ULCR ACT. UJJAIN  
COLLECTORATE UJJAIN (MADHYA PRADESH)**

**.....RESPONDENTS**

**Section, Acts, Rules, and Articles:**

Section 10(5) and 10(6) of Urban Land (Ceiling and Regulation) Act 1976

**Subject:** Challenge to the order dated 23.07.2018 passed by the Commissioner, Revenue Division District Ujjain, regarding the proceedings of taking paper possession under the Urban Land (Ceiling and Regulation) Act 1976, and the subsequent legal journey involving appeals and review petitions.

**Headnotes:**

*Writ Petition & Subject Matter – Petition filed against the order by Commissioner, Revenue Division District Ujjain, which petitioners claim to be illegal under Section 10(5) and 10(6) of the Urban Land (Ceiling and Regulation) Act 1976 – Sought for quashment and other consequential reliefs. [Para 2]*

*Prior Proceedings & Remand – Initial writ petition allowed, influenced by the Amar Chand Vs. State of MP case – Decision set aside by the State's appeal, remanding the case back to writ court. [Para 3-4]*

*Special Leave Petition (SLP) – Petitioners' SLP was allowed, restoring the initial writ court's order and quashing the appellate order. [Para 5]*

*Review Petition & Finality – State of MP's review petition against the Apex Court's decision dismissed, confirming the initial writ petition's relief for the petitioners. [Para 6]*

*Entitlement & Final Decision – Petitioners entitled to benefits under the Repeal Act, 1999 and name mutation in revenue records – The initial writ court's order dated 11.09.2019 restored, and impugned order quashed. [Para 7, 9]*

**Referred Cases:** None.

**Representing Advocates:**

For Petitioner: Shri Vijay Kumar Asudani - Advocate

For Respondent: Shri Kratik Mandloi - Panel Lawyer

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**ORDER**

Heard on IA No.6759/2023, which is an application for disposal of the present writ petition (WP No.28327/2018) in the light of order passed by the Apex Court in Civil Appeal No.8744/2022 arising out of SLP No.13914/2021.

2. The petitioner filed the present writ petition bearing WP No.28327/2018 on being aggrieved by the order dated 23.07.2018 passed by Commissioner, Revenue Division District Ujjain cum Appellate Authority Urban Land (Ceiling and Regulation) Ujjain in appeal no.263/Appeal/2017-18, wherein apart from quashment of said order petitioners claimed relief to hold that the proceedings of taking paper possession are illegal and contrary to provisions of section 10(5) and 10(6) of Urban Land (Ceiling and

Regulation) Act 1976 (for short Act, 1976) as also for other consequential reliefs.

3. The said writ petition was allowed on 11.09.2019 in the light of order dated 23.07.2018 passed by this court at Principal seat Jabalpur in case of Amar Chand Vs. State of MP and not merely said impugned order dated 23.07.2018 was quashed, further it was held that order passed in the said WP of Amarchand will apply mutatis mutandis in the case of petitioner too.

4. Being aggrieved by the said order dated 11.09.2019 passed in the above mentioned writ petition, the State of MP preferred writ appeal no.1230/20 which was allowed vide order dated 14.07.2021 and the said order dated 11.09.2019 was set aside and the matter was remanded back to this writ court to decide the matter in accordance with the law.

5. The petitioner submits that on being aggrieved by the said order dated 14.07.2021 passed in WA No.1230/2020 petitioner preferred SLP No.13914/2021 which was allowed and order of writ petition dated 11.09.2019 was restored back and order passed by Division Bench dated 03.04.2022 in WA No.1230/2020 was quashed.

6. The State of MP preferred a review petition no.8083/20232 against the order dated 23.11.2022 in Civil Appeal No.8744/2022 arising out of SLP No.13914/2021, which was dismissed by the Apex Court vide order dated 25.04.2023.

7. It is argued that in the light of above mentioned circumstances and orders passed by the Apex Court upholding the order dated 11.09.2019 passed by the Single Bench, the petitioners are entitled to get the benefit of Repeal Act, 1999 and are entitled to get their name mutated in the revenue record and this writ petition is liable to be disposed off.

8. Learned counsel for the respondent/state could not dispute the aforesaid orders and the facts of the case.

9. In the light of the above, the present petition is allowed. The order dated 11.09.2019 passed by Single Bench is restored. The impugned order dated 23.07.2018 Annexure P/1 is hereby quashed in the light of the order passed by the Principal Seat at Jabalpur in WP No.20905/2018 (Amar Chand Vs. State of MP) dated 03.04.2019 and the order shall apply mutatis mutandis in the present case.



Accordingly, IA also stands disposed off.

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