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WP-21055-2021

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ALPESH Y. KOGJE,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE DEEPAK KHOT

ON THE 19th OF SEPTEMBER, 2026

WRIT PETITION No. 21055 of 2021

ANIL PATEL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Harry Bamoriya, Advocate with Shri Rohit Nanepag - Advocate for petitioner.

Dr. Siddharth Singh Chouhan - Govt. Advocate for the respondent/State.

Shri Manoj Kumar Sharma - Senior Advocate with Shri Divya Krishna Bilaiya - Advocate, Shri Deepak Sahu and Ms.Aqsa Mukarram - Advocate for the respondents No.6 to 12.
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ORDER

Per. Justice Deepak Khot

This Public Interest Litigation under Article 226 of the Constitution of India has been instituted by the petitioner, styling himself as a local journalist/editor of daily newspaper Hindu Sahastradhara and a public-spirited citizen, seeking a direction to the respondent authorities to conduct an enquiry into the ownership and revenue entries concerning land bearing Khasra No. 72/1ख (1.70 acres), Khasra No. 72/1ग (2.30 acres), and Khasra No. 72/1घ (0.40 acres), total admeasuring 4.40 acres, situated at Village Subkhar Maal, Ward No. 1, Nagar Parishad Dindori, Tehsil and District Dindori.



2. It is the case of the petitioner that as per historical revenue records—specifically the *Misal Bandobast* of 1929–30 and the *Adhikar Abhilekh* of 1954–55, land bearing Khasra No. 72/1 was recorded as government grazing land (*Charnoi*) and alleges that private respondents Nos. 5 to 12 in collusion with revenue authorities fraudulently manipulated revenue entries and have illegally mutated the subject land in their names to construct and operate a college run by Rama Devi Shiksha Evam Seva Samiti. On these premise, the petitioner prays for an investigation, cancellation of ownership of the private respondents over the alleged Government land, and departmental action against the erring revenue officials.

3. Per contra, counsel for respondents no.1 to 4/State by filing reply to the petition denied the allegations made by the petitioner. It is submitted that land bearing Survey No. 72/1 measuring 22.84 acres was recorded as grazing/waste land in the old revenue records of 1929-30. However, in the 1954-55 revenue records, only Survey No. 72/1-Ka measuring 18.44 acres was recorded as grazing land. The remaining portions, viz Survey Nos. 72/1-Kha, 72/1-Ga and 72/1-Gha, measuring 1.70 acres, 2.30 acres and 0.40 acres respectively, were recorded in the names of different agriculturists as Bhumiswami. The relevant Government land list (Annexure R1/5), and the detailed inquiry report dated 03.06.2021 is Annexure R1/6. It is further submitted that an inquiry was conducted regarding the disputed land and it was found that the three smaller portions viz. 72/1-Kha, 72/1-Ga and 72/1-Gha, measuring 1.70 acres, 2.30 acres and 0.40 acres were not recorded as Government grazing land from 1954-55 onwards. The proceedings initiated



in this regard were subsequently closed by the order dated 26.07.2023 passed by Respondent No.3 in Case No. 0021/B-121/2023-24, (Annexure R1/7). The State has further relied upon the provisions of the Madhya Pradesh Land Revenue Code, 1959, particularly Section 158, in regard to accrual of rights of Bhumiswami to private parties.

4. The State has further relied upon the inquiry report dated 15.01.2018 (Annexure R1/8) with regard to the Dindori Bypass Road, and the Collector/Land Acquisition Officer's order dated 08.10.2020 (Annexure R1/9). According to the State, it is found in the inquiry that the concerned portion of land was not recorded as Government grazing land. The State has also referred to the earlier proceedings concerning re-registration of the land as grazing land and the subsequent proposal for acquisition under the 2014 consent land purchase policy, (Annexures R1/10 to R1/12). On this basis, the State submitted that no illegal mutation or encroachment has been established and therefore the petition deserves to be dismissed.

5. Respondent No. 6 has also filed the return denying the allegations made by the petitioner and submitted that the disputed land has been recorded in private names in the revenue records for several decades. The relevant records are Annexure R6/1, while the 1954 Khasra record for Khasra No. 72/1-Kha, measuring 1.70 acres, is Annexure R6/3. The Bhumiswami records of 1959-63, registered sale deeds dated 26.05.1965 and 1965-66 Khasra/title records are filed as Annexures R6/4, R6/5 and R6/6 respectively. It is submitted that the ancestors of the private respondents purchased 1.70 acres through registered sale deeds in 1965, after which their



names were mutated and they were recognized as Bhumiswami. In 1985, a partition under Section 178 of the MPLRC resulted in 1.30 acres being recorded in the name of Late Ayodhya Prasad Bilaiya and 0.40 acres in the name of Badri Prasad Bilaiya. In 2006, Badri Prasad Bilaiya gifted the 0.40-acre portion to Rama Devi Shiksha Evam Seva Samiti. The relevant record is Annexure R6/7. The land was subsequently diverted for educational purposes under Section 172 of the MPLRC by order dated 27.06.2007.

6. Respondent No. 6 also denied that the college occupies or encroaches upon 4.40 acres of Government grazing land, stating that only 0.40 acres belonged to Rama Devi Shiksha Evam Seva Samiti. The Dindori Bypass proposal dated 26.06.2023 is Annexure R6/8. The earlier inquiry notesheet dated 27.08.2016 and inquiry report dated 14.09.2018 are Annexures R6/9 and R6/10. Respondent No. 6 has also relied on the inquiry report to submit that the land had not been reserved as Government grazing land since 1959. The order dated 08.10.2020 in Land Acquisition Case No. 63/A-82/2019-20 is Annexure R6/11. It noted deficiencies in the acquisition proceedings, including non-inclusion of 27 agriculturists, but did not hold the disputed land to be Government land. Accordingly, Respondent No. 6 submitted that the land has long been recorded in private names and that repeated revenue inquiries have not established any illegality. Therefore, Respondent No. 6 also prayed for dismissal of the petition.

7. Heard learned counsel for the parties and perused the record.

8. Upon consideration of the entire material on record, we are of the considered opinion that the petitioner has failed to establish any prima facie



case warranting interference in the present PIL. The record discloses a continuous chain of transfer of the disputed land commencing several decades ago. Land bearing Khasra Nos. 72/1-Kha, 72/1-Ga and 72/1-Gha, measuring 1.70 acres, 2.30 acres and 0.40 acres respectively were recorded in the names of private Bhumiswami, details of which are mentioned in para 10 of reply filed by the State. The said recorded holders transferred the land by registered sale deeds dated 26.05.1965 in favour of the predecessors-in-title of the private respondents, and pursuant thereto their names were duly mutated in the revenue record on 08.08.1966.

9. Thereafter, the land continued to remain in the names of successors of the original purchasers and was subjected to partition proceedings under Section 178 of the M.P. Land Revenue Code, pursuant to which new subdivisions were carved out. Subsequently, respondent No.8, Badri Prasad Bilaiya, being the recorded holder of the concerned parcels, transferred the land by way of gift in the year 2006 in favour of Rama Devi Shiksha Evam Seva Samiti. The land was thereafter duly diverted for educational purposes by the Tehsildar, Dindori, under Section 172 of the M.P. Land Revenue Code vide order dated 27.06.2007.

10. Thus, the material on record does not disclose any recent or clandestine usurpation of Government land. On the contrary, it reveals a chain of transactions commencing with the recorded private holders, namely Sonulal, Bhaddelal and Mulai Ram, followed by registered sale deeds in 1965, mutation in 1966, subsequent partition, and thereafter transfer by Badri Prasad Bilaiya to the educational society by gift in 2006, followed by lawful



diversion in 2007. These transactions have remained reflected in the revenue record and remained unchallenged for several decades.

11. The petitioner has not produced any cogent material to demonstrate that the aforesaid registered sale deeds, mutation, partition proceedings or subsequent transfer were forged, fabricated or brought about by fraud or collusion. The Collector's inquiry report dated 14.09.2018 also does not support the petitioner's assertion that the land continued to be Government Charnoi land since 1959.

12. From perusal of record, it is found that the petition has been engineered on a report prepared by the Revenue Inspector on publication of news item by a local newspaper of which petitioner is an editor. That itself shows the seriousness of public injury. However, resultantly the Committee constituted by the Collector found that the land in question is not a Govt. land.

13. The Hon'ble Apex court in the case of *Neetu v. State of Punjab*, (2007) 10 SCC 614 has held as under :-

5. “14. The court has to be satisfied about : (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; and (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests : (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The court has to act ruthlessly while dealing with impostors and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their



own to protect.

15. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. (See *State of Maharashtra v. Prabhu* [(1994) 2 SCC 481 : 1994 SCC (L&S) 676 : (1994) 27 ATC 116] and *A.P. State Financial Corpn. v. Gar Re-Rolling Mills* [(1994) 2 SCC 647 : AIR 1994 SC 2151] .) No litigant has a right to an unlimited draught on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions. [See *Buddhi Kota Subbarao (Dr.) v. K. Parasaran* [(1996) 5 SCC 530 : 1996 SCC (Cri) 1038 : JT (1996) 7 SC 265] .] Today people rush to courts to file cases in profusion under this attractive name of public interest. They must inspire confidence in courts and among the public.

16. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where even a minuscule percentage can legitimately be called public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilised for disposal of genuine cases. Though in *Duryodhan Sahu (Dr.) v. Jitendra Kumar Mishra* [(1998) 7 SCC 273 : 1998 SCC (L&S) 1802 : AIR 1999 SC 114] this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the courts should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the courts to filter out



the frivolous petitions and dismiss them with costs as aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.”

6. The aforesaid position was highlighted in *Ashok Kumar Pandey v. State of W.B.* [(2004) 3 SCC 349] , SCC pp. 358-59, paras 14-16.

“11. It is depressing to note that on account of such trumpety proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and substantial rights and criminal cases in which persons sentenced to death facing the gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters—government or private, persons awaiting the disposal of tax cases wherein huge amounts of public revenue or unauthorised collection of tax amounts are locked up, detenus expecting their release from the detention orders, etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no real public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for glare of publicity, break the queue muffling their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions of luxury litigants who have nothing to lose but trying to gain from nothing and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the courts never moves, which piquant situation creates frustration in the minds of the genuine litigants.

12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not



lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be allowed to be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, courts must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives and try to bargain for a good deal as well to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.

13. The Council for Public Interest Law set up by the Ford Foundation in USA defined 'public interest litigation' in its Report of Public Interest Law, USA, 1976 as follows:

'Public interest law is the name that has recently been given to efforts which provide legal representation to previously unrepresented groups and interests. Such efforts have been undertaken in the recognition that ordinary marketplace for legal services fails to provide such services to significant segments of the population and to significant interests. Such groups and interests include the proper environmentalists, consumers, racial and ethnic minorities and others.' " [See *B. Singh (Dr.) v. Union of India* [(2004) 3 SCC 363] , SCC pp. 371-73, paras 11-13.]

7. When a particular person is the object and target of a petition styled as PIL, the court has to be careful to see whether the attack in the guise of public interest is really intended to unleash a private vendetta, personal grouse or some other mala fide object.

14. The Hon'ble Apex Court in the case of *Prem Porwal and others Vs.*

Jagdeesh Chandra Prajapati and others, reported in 2026 Supreme (SC) 472



has held as under :-

6. In the second place, before the High Court in the public interest writ proceedings, both the Municipal Council and the State Government claimed and asserted their respective ownership over the land on which the shops were constructed. When it comes to deciding and adjudicating the questions relating to the title or ownership of the property, it is well settled that jurisdiction under Article 226 of the Constitution cannot be exercised to address the questions of such nature.

6.3. Given this well settled law, it is to be observed that a writ court would not be justified in granting the relief in a writ petition where grant of such relief is to be considered by necessarily touching upon and forming an opinion, directly or indirectly, on the aspects and issues concerning the title or ownership of the property. The public interest jurisdiction of the Constitutional Courts stems from plenary jurisdiction under Article 226 of the Constitution, and a public interest petition, for its substance, procedure and purpose, is a petition under Article 226 of the Constitution. Therefore, travelling into the area to adjudicate the titular issues would be a wrongful exercise of public interest jurisdiction.

8. Any public interest litigation in its outcome aims at promoting a larger public interest. The public interest petition is a medium to achieve and preserve public good. An order passed or directions issued in a public interest petition should not operate to derecognise or to damage legitimate private interest or the lawful rights enjoyed by the citizens or those third persons who may not be party to the proceedings. An order in the public interest petition should not become antithetic to the very idea and object underlying the public interest jurisdiction.

15. The Hon'ble Apex Court in the case of *Esteem Properties Pvt. Ltd.*

Vs. Chetan Kamble & Ors. reported in 2022 Supreme (SC) 170 has held as

under :-

21. Public Interest Litigation is not a new concept in this Court. Although the jurisprudence in this regard has matured, many claims filed in the Courts are sometimes immature. Thousands of frivolous petitions are filed, burdening the docket of both this Court and the High Courts. Noble intentions behind expanding the Court's jurisdiction to accommodate socially relevant issues, in recent decades, have been critically analyzed. In our view, PIL litigation has had a beneficial effect on the Indian jurisprudence and has alleviated the conditions of the citizens in general. For those at the receiving end of the Court's directions, we can only advise "C'est lavie".



22. One of the measures this Court can adopt to ensure that frivolous or private interests are not masqueraded as genuine claims, is to be cautious when examining locus standi. Generally, PIL, being a summary jurisdiction, has limited powers to examine the bona fides of parties. It is usually on the pleadings that the Court should take a prima facie view on the bonafides of the party. If the Court concludes that the litigation was initiated under the shadow of reasonable suspicion, then the Court may decline to entertain the claims on merits. In these cases, Courts have multiple options - such as dismissing the PIL or appointing an amicus curiae, if the cause espoused in the case requires the immediate attention of the Court. [refer T. N. Godavarman Thirumulpad v. Union of India. (2006) 5 SCC 28]

16. In such circumstances, merely relying upon an old revenue entry of 1929-1930 and seeking to reopen a chain of transactions which commenced in 1965 cannot constitute sufficient ground for exercise of extraordinary jurisdiction. The principles laid down by the Supreme Court in the case of *Neetu (supra)*, *Prem Porwal (supra)* and *Chetan Kamble (supra)* regarding PIL jurisdiction must be exercised with great care and circumspection and cannot be permitted to become a vehicle for a private grievance, vendetta, vested interest or an attempt to target a particular individual under the guise of public interest, are attracted to the present case.

17. A PIL cannot be permitted to unsettle rights flowing from registered transactions which have remained operative and acted upon for more than five decades, particularly when no prima facie fraud, illegality or continuing public injury has been established. The prayer for investigation would, in substance, require this Court to reopen and adjudicate the validity of long-standing transactions and competing claims of title, which is impermissible in the present proceedings.

18. Accordingly, this Court is of the considered opinion that the



petitioner has failed to establish that the subject land is presently recorded as Government Charnoi land or that the private respondents or their predecessors illegally acquired rights therein. No ground is made out for directing any fresh revenue, departmental or criminal inquiry. The Public Interest Litigation is accordingly **dismissed**. All pending interlocutory applications, if any, stand disposed of. There shall be no order as to costs.

(ALPESH Y. KOGJE)
CHIEF JUSTICE

(DEEPAK KHOT)
JUDGE

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