



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE G. S. AHLUWALIA**

**ON THE 14<sup>th</sup> OF OCTOBER, 2024**

**WRIT PETITION No. 29454 of 2024**

***KUSUM KALI SINGH AND OTHERS***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

*Shri Akhil Singh- Advocate for petitioners.*

*Shri Vijayendra Singh Choudhary- Government Advocate for respondents/State.*

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**ORDER**

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs:-

“(I) This Hon’ble Court may kindly be pleased to issue writ in nature of certiorari setting aside the order impugned 02.09.2022 (Anx.P/1) passed by Tehsildar Semariya District-Rewa (MP).

(II) To issue the writ in the nature of mandamus directing the respondents not to interfere in the peaceful possession of the land of the petitioner.

(III) To call for entire relevant record of the learned Trial Court.

(IV) Any other appropriate writ, order or direction which the Hon’ble Court may deem just and proper in the nature and circumstances of the case including the costs of the petition.”

2. It is submitted by counsel for petitioners that on an application



filed by the respondents under Section 129 of MPLR Code, the Tehsildar directed for demarcation. The demarcation was carried out and ultimately by order dated 02.09.2022 passed in Revenue Case No. 19A-12/22-23, the demarcation report was accepted.

3. Being aggrieved by the said order the petitioners preferred an appeal under Section 44 of MPLR Code which was registered as Case No. 74/Appeal/2023-24 and the SDO (Revenue) Sirmour/Semariya, District Rewa by order dated 06.10.2023 rejected the said appeal. Assailing the said order, the petitioners preferred revision before Additional Collector, Rewa which has been dismissed as not maintainable.

4. Challenging the order dated 02.09.2022 passed by Tehsildar, Tehsil Semariya, District Rewa, it is submitted by counsel for petitioners that in the year 1995, a demarcation was done on the application filed by the petitioners, therefore, after 27 long years fresh demarcation is bad in law.

5. Considered the submissions made by counsel for petitioners.

6. If any demarcation was done in the year 1995, then it cannot be presumed that the petitioners cannot encroach upon the land belonging to the respondents. Much water must have flown under the bridge during these 27 long years.

7. Under these circumstances, this Court is of considered opinion that merely because some demarcation was carried out in the year 1995, therefore, fresh demarcation cannot be done after 27 long years cannot be accepted. Whatever the situation was in the year, 1995 was taken note of while carrying out the demarcation in the said year but by



conducting a fresh demarcation in the year, 2022, the factual position which was in existence on the field was taken note of.

**8.** Under these circumstances, the solitary ground raised by counsel for petitioners to challenge the demarcation which was carried out in the year 2022 is held to be misconceived and is hereby **rejected**.

**9.** Furthermore, it appears that against the order dated 02.09.2022 passed by Tehsildar under Section 129(4) of MPLR Code, the petitioners had preferred an appeal under Section 44 whereas as per the provisions of Section 129(5) of MPLR Code an application should have been filed by the petitioners before the SDO. Thus, the appeal filed by the petitioners under Section 44 of MPLR Code can be treated as an application under Section 129(5) MPLR Code.

**10.** The order dated 06.10.2022 passed by SDO (Revenue) Sirmour/Semariya, District Rewa in Case No. 74/Appeal/2023-24 has also not been challenged. Considering the totality of the facts and circumstances coupled with the solitary ground raised by the petitioners, this Court is of considered opinion that no case is made out warranting interference specifically when no illegality in the demarcation proceedings conducted by the demarcation team has been pointed out.

**11.** Accordingly, the petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)  
JUDGE

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