

CFR 15-2

BEFORE THE HON'BLE BOARD OF REVENUE, M. P., GWALIOR

Misc. Application No. / 2003 (Review Application)

दि. 18-09-III/03

श्री राजेंद्र सिंह सोडिया
को अर्ज दि. 5.12.03 को अर्ज।

MS
5 DEC 2003

1. Mahendra Singh Sisodia S/o. Late Shri Rajendra Singh Sisodia, Aged- 42 Years, Occupation- Agriculture, R/o.- A. B. Road, Guna (M. P.)
2. Smt. Indira Rani Sisodia W/o. Late Shri Rajendra Singh Sisodia, Aged- 59 Years, R/o.- A. B. Road, Guna (M. P.)
3. Smt. Anita Chauhan W/o. Shri Rajendra Singh Chauhan, D/o. Late Shri R. S. Sisodiya, R/o.- Mumbai
4. Smt. Sunita Gaur W/o. Shri Ganga Singh Gaur, D/o. Late Shri R. S. Sisodia, R/o.- Saket, Delhi
5. Smt. Sarita Chauhan W/o. Shri K. P. Chauhan, D/o. Late Shri R. S. Sisodia, R/o.- B-136, Petro Chemical Township, Nago-Thene, Tehsil Roha, Distt.- Raigarh, Maharastra
6. Smt. Seema W/o. Shri Manoj Singh Rathore, D/o. Late Shri R. S. Sisodia, R/o.- Bhopal (M. P.)
7. Smt. Priya W/o. Shri Tarun Kumar, D/o. Late Shri R. S. Sisodia, R/o.- Etah (U. P.)

.... APPLICANTS

-VERSUS-

The State of Madhya Pradesh,
Through : District Education Officer,
Guna (M. P.)

.... NON-APPLICANT

.....2

3
5.12.03
(S.P. Dhalwad. R-1)

159
राहुल तिवारी
शपथ आयुक्त
ग्वालियर (मध्य प्रदेश)
4.12.03

APPLICATION FOR REVIEW OF THE ORDER DATED- 11.9.2003
PASSED IN REVISION NO. R/356-III/03.

May It Please This Hon'ble Court,

The humble applicants most respectfully state as under :—

1. That, the deceased father of applicant no. 1 & 3 to 7 and husband of applicant no. 2 Late Sh. Rajendra Singh Sisodiya was recorded Bhumi Swami of the land in question i.e. survey no. 24 raqava 2.404 hectare, his name was entered in the revenue record upto Samvat 2035, thereafter in place of his name, of Education Department was entered in the record unauthorisedly. After getting the knowledge of said wrong entry, Late Sh. Rajendra Singh Sisodiya filed an application u/s 115 & 116 of the M. P. Land Revenue Code, 1959 before the Tehsildar. The Tehsildar vide order dated- 12.9.1989 has rejected the said application.
2. That, after rejection of the said application, Late Sh. Rajendra Singh Sisodiya; predecessors of the applicants filed a Civil Suit, which was dismissed as not maintainable, against which an appeal was preferred in which the Learned Appellate Court after holding the suit as maintainable, has remanded the same for decision on merits.
3. That, order of Tehsildar dated- 12.9.1989 was challenged before Sub-Divisional Officer, Guna by filing appeal. The Sub-Divisional Officer, Guna, vide its order dated- 31.12.1996 has dismissed the said appeal on the ground that since the Civil Suit filed by the applicants was dismissed on the ground that the dispute should be decided by Sub-Divisional Officer, u/s 57 of the M. P. Land Revenue Code, and no application u/s 57 of M. P. L. R. C. was filed.
4. That, against the said order of the Sub-Divisional Officer, Guna, applicants have filed second appeal before the Learned Additional Commissioner, Gwalior Division. The said second appeal was also dismissed vide order dated- 03.4.2003.
5. That, against the order dated- 03.4.2003, applicants have filed Revision No. 1356/III/03 before this Hon'ble Board. The same was heard on the question of admission on 05.9.2003 and thereafter reserved for orders, however vide order dated- 11.9.2003 has dismissed the same was held to be without merits. A kind perusal of the said order will also show that, while passing the same material aspect of the matter that on record the so-called order dated- 31.12.1973 and the concerned record is not available, was not taken into consideration.

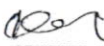


न्यायालय राजस्व मण्डल, मध्यप्रदेश ग्वालियर

अनुवृत्ति आदेश पृष्ठ

प्रकरण क्रमांक रिव्यु 1809-तीन/2003

जिला गुना

प्रकरण क्रमांक	कार्यवाही तथा आदेश	प्राप्त एवं अभिप्रायों आदि के हस्ताक्षर
02-11-16	<p>आवेदक अधिवक्ता द्वारा रिव्यु की ग्राह्यता पर प्रस्तुत तर्कों पर विचार किया गया । अनावेदक शासन की ओर से श्रीमती रजनी वशिष्ठ शर्मा पेनल लॉयर उपस्थित । यह रिव्यु आवेदन इस न्यायालय के प्रकरण क्रमांक निगरानी 1356-तीन/2013 में पारित आदेश दिनांक 11-9-2003 के विरुद्ध म0प्र0भू-राजस्व संहिता, 1959 की धारा 51 के तहत प्रस्तुत किया गया है ।</p> <p>2- आवेदक के विद्वान अधिवक्ता द्वारा रिव्यु आवेदन की ग्राह्यता के बिन्दु पर प्रस्तुत तर्कों पर विचार किया गया एवं प्रकरण का तथा आलोच्य आदेश का अवलोकन किया गया। निम्नलिखित तीन आधार विद्यमान होने पर ही रिव्यु आवेदन स्वीकार किया जा सकता है :-</p> <p>1/ नई एवं महत्वपूर्ण बात/साक्ष्य का पता चलना जो उस समय जब आदेश पारित किया गया था, सम्यक् तत्परता के पश्चात् भी नहीं मिल पाई थी ।</p> <p>2/ अभिलेख से प्रकट कोई भूल/गलती ।</p> <p>3/ कोई अन्य पर्याप्त कारण ।</p> <p>आवेदक ने रिव्यु का जो आवेदन प्रस्तुत किया है उसके परीक्षण से उक्तांकित आधारों में से कोई आधार विद्यमान होना नहीं पाया जाता है, इसलिये इस रिव्यु आवेदन में कोई बल नहीं होने से यह रिव्यु प्रकरण अग्राह्य किया जाता है । आवेदक सूचित हों ।</p>	<p> अध्यक्ष</p>