

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

WP No. 3405 of 2026

*(INDORE CHRISTIAN COLLEGE INDORE THROUGH ITS PRINCIPAL DR. AMIT DAVIT Vs THE STATE OF
MADHYA PRADESH AND OTHERS)*

Dated : 27-01-2026

Shri Ajay Bagadia, Senior Advocate with Shri Arpit Kumar Oswal,
learned counsel for the petitioner [P-1].

Shri Rahul Sethi, AAG with Kushal Goyal, Dy. AG for the
respondent/State .

Heard on the question of admission and interim relief.

Issue notice.

Shri Rahul Sethi, AAG accepts notice on behalf of the respondents.
He is directed to file reply to the petition within a period of six weeks.

Heard on the question of interim relief.

Learned counsel for the petitioner submits that the impugned order has been passed by the Collector in excess of jurisdiction. The petitioner is not a Bhumiswami as defined under Sections 181 and 182 of Madhya Pradesh Land Revenue Code, 1959. Issue in this regard was raised before the Collector but has been illegally decided by him. Since, the petitioner is not a Bhumiswami, the Collector had no jurisdiction to have entertained the proceedings and to have passed the impugned order. It is further submitted that the case was fixed for 23.01.2026 before the Collector for passing of the order but even prior to the same, the impugned order has been passed on 12.01.2026. It is further submitted that against an interim order, an appeal had been preferred before the Additional Commissioner in which order was

passed on 19.01.2026 directing for maintenance of status quo but for the purpose of defeating that order, the impugned ante dated order had been passed.

Learned counsel for the respondent/State has submitted that the petitioner has an alternate remedy of preferring an appeal before the appellate authority under Section 44 (2) of the Code. Various disputed questions of facts are involved in the matter including the question as to whether the impugned order is an ante dated order. The same can be much better appreciated by the appellate authority instead of by this Court.

From the documents available on record and facts of the case, the question which arises for consideration is as to whether the petitioner is a Bhumiswami as defined under Sections 181 and 182 of the Code. If he is not a Bhumiswami then the aforesaid provisions would not be attracted. It is hence a jurisdictional issue which has been raised by the petitioner which requires adjudication. It is also prima facie seen that the case was fixed for passing of final order on 23.01.2026 but the same has been passed on 12.01.2026. There was also a status quo order by the Additional Commissioner by order dated 19.01.2026. There hence appears to be a dispute as regards the impugned order being ante dated which can be determined on the basis of the documents available on record. Thus, in my opinion, the petitioner is not bound to avail the alternate remedy available under the law.

Thus, in the available facts of the case, the petitioner has made out a prima facie case in his favour for grant of interim relief. It is hence directed

that till the next date of hearing the effect and operation of the impugned order dated 12.01.2025 shall remain stayed.

List after six weeks.

(PRANAY VERMA)
JUDGE

VD