



1

WP-24638-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 7th OF JULY, 2026WRIT PETITION No. 24638 of 2026

*MANDIR SHRI HANUMAN JI TRUST GRAM BHIRGAVLI TAHSIL
BASODA DISTT VIDISHA THROUGH ITS PRESIDENT SITARA*

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

.....
Appearance:

Shri Pavan Singh Raghuwanshi - Advocate for the petitioner.

Shri Dharmendra Nayak - Govt. Advocate for the State.

.....

ORDER

The present petition, under Article 226/227 of the Constitution of India, has been filed by the petitioner seeking following reliefs:-

"1. That, the impugned order dated 22/06/2026 (Annexure P/1) passed by the respondent no.2/ The Collector- district Vidisha (MP) in case no.- 0002/revision/25-2026 be set aside in the interest of justice.

2. That, the impugned order dated 14/12/2021 (Annexure P/2) passed by the respondent no.3/ The Sub Divisional Officer Revenue, Sub division-Basoda, district-Vidisha (MP), in case no.-01/B-113(1)/2020-2021 be also set aside and further by allowing the application u/s 115 of the MPLRC for correction, the respondents be directed to



incorporate the name of the trust in the revenue records of the temple in the interest of justice.

3. That, any other relief may be granted which this hon'ble court deems fit."

Short facts of the case are that the petitioner, a registered public trust, namely, Mandir Shri Hanuman Ji Trust, Gram Bhirgavli, Tahsil Basoda, District Vidisha, has filed the present petition challenging the order dated 22.06.2026 passed by the Collector, Vidisha in revision affirming the order dated 14.12.2021 passed by the Sub-Divisional Officer, Basoda.

The dispute arises out of an application preferred by the petitioner under Section 115 of the Madhya Pradesh Land Revenue Code seeking correction of the revenue entries by incorporating the name of the registered Trust in place of the existing entry relating to the temple. The application was rejected on the ground that the temple is a Government-controlled (Shasan Adheen) temple, and the revisional authority not only affirmed the rejection but also directed initiation of proceedings under Section 26 of the Madhya Pradesh Public Trusts Act, 1951 for dissolution of the Trust. Aggrieved thereby, the petitioner has invoked the extraordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.

Learned counsel for the petitioner submitted that the impugned orders are illegal, arbitrary and without jurisdiction. It is contended that the petitioner is a duly registered public trust and the omission of the word "Trust" from the revenue records is merely a clerical error requiring correction. It is further submitted that the authorities have erroneously treated



the temple as a Government-controlled temple merely because the Collector is shown as Manager in the trust records, without any legal or factual basis. The Collector exceeded his revisional jurisdiction by directing initiation of proceedings for dissolution of the Trust under Section 26 of the Madhya Pradesh Public Trusts Act, 1951 without issuing any notice or affording an opportunity of hearing, thereby violating the principles of natural justice. Accordingly, it is prayed that both the impugned orders be set aside and the respondents be directed to correct the revenue entries by recording the name of the petitioner Trust.

Per contra, learned Government Advocate supported the impugned orders and submitted that the revenue records consistently show the Collector, Vidisha, as the Manager of the temple, indicating that the temple is under Government management. It is contended that the authorities have rightly relied upon the revenue records, the report of the Naib Tahsildar and the applicable Government circulars while rejecting the petitioner's application. It is further submitted that the revisional authority has passed a well-reasoned order in accordance with law and has rightly directed initiation of appropriate proceedings under Section 26 of the Madhya Pradesh Public Trusts Act, 1951. Therefore, no interference is called for in exercise of the writ jurisdiction of this Court.

Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the revisional authority was exercising jurisdiction under Section 50 of the Madhya Pradesh Land Revenue Code, 1959 while examining the legality of the order passed by the Sub-Divisional



Officer on the petitioner's application under Section 115 of the Code. The scope of the revision was confined to the correctness of the order relating to correction of the revenue entries.

A perusal of Section 26 of the Madhya Pradesh Public Trusts Act, 1951 reveals that the power to seek directions from the competent Court is vested in the Registrar. Before invoking the said provision, the Registrar is required to be satisfied that any of the contingencies contemplated under clauses (a), (b) or (c) of sub-section (1) exist, namely, that the original object of the public trust has failed, the trust property is not being properly managed or administered, or that the directions of the Court are necessary for the administration of the public trust. The statute further mandates that the working trustee shall be afforded an opportunity of hearing before any direction is issued, and only thereafter may the Registrar direct the trustee to approach the Court or, in the circumstances contemplated under sub-section (2), make such application himself.

In the present case, while exercising revisional jurisdiction under the provisions of the Madhya Pradesh Land Revenue Code, the Collector proceeded to direct initiation of proceedings under Section 26 of the Madhya Pradesh Public Trusts Act, 1951. Such a direction is *de-hors* the statutory scheme of Section 26, inasmuch as the satisfaction contemplated by the provision is required to be recorded by the Registrar in accordance with the procedure prescribed therein after affording an opportunity of hearing to the working trustee. Consequently, the observation and direction contained in paragraph 7 of the impugned order dated 22.06.2026, directing initiation of



proceedings under Section 26 of the Madhya Pradesh Public Trusts Act, 1951 for dissolution of the petitioner Trust, cannot be sustained in law. With regard to the other findings recorded by the Collector, this Court does not find any illegality, irregularity, or infirmity warranting interference. Accordingly, the said findings are affirmed and sustained.

Accordingly, the writ petition is partly allowed. The observation and direction contained in paragraph 7 of the impugned order dated 22.06.2026, whereby initiation of proceedings under Section 26 of the Madhya Pradesh Public Trusts Act, 1951 for dissolution of the petitioner Trust has been directed, are hereby **set aside**. The remaining part of the impugned order shall remain unaltered.

It is clarified that this order shall not preclude the Registrar, if otherwise empowered and satisfied in accordance with Section 26 of the Madhya Pradesh Public Trusts Act, 1951, from taking recourse to such proceedings as may be permissible in law after following the procedure prescribed under the Act.

With the aforesaid modification, the present writ petition stands **disposed of**.

(MILIND RAMESH PHADKE)
JUDGE