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WP-30767-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ASHISH SHROTI

ON THE 17<sup>th</sup> OF SEPTEMBER, 2025WRIT PETITION No. 30767 of 2025*VINOD SINGH MAVAI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Dharmendra Singh Raghuvanshi - learned counsel for the petitioner.

Shri N.K. Gupta- learned Government Advocate for the State.

Shri D.P. Singh- learned counsel for the caveator.  
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ORDER

1. The petitioner is aggrieved by order dated 28/07/2025 (Annexure-P/1), whereby he was transferred from the post of Patwari, Halka Banmore Khurd to Patwari Halka Ranchauli within Tahsil Banmore, District- Morena (M.P.). The aforesaid order has been challenged by the petitioner on the ground that he was posted in Patwari Halka No.20, Banmore Khurd, Tahsil Banmore only on 17/06/2025. He has joined at the transferred place. However, within a short span of time, vide impugned order dated 28/07/2025, the petitioner is again transferred from Patwari Halka Banmore Khurd to Patwari Halka Ranchauli.

2. The learned counsel for the petitioner, challenging the impugned order, submitted that an executed order of transfer cannot be cancelled by the



respondents. In support of his submission, he placed reliance upon the Division Bench judgment in the case of **Manmohan Sharma vs. State of M.P. in W.A. No.1249/2017**. He also submitted that the petitioner's transfer in Halka Banmore Khurd was pursuant to order dated 17/06/2025 passed by the Additional Collector, Morena. Therefore, the said order could not have been modified by the Sub-Divisional Officer who is the subordinate authority. Learned counsel also referred to the documents filed alongwith the rejoinder to say that there are complaints against respondent no.4 also who has been posted on the petitioner's place. It is his submission that there is no administrative exigency in transferring the petitioner and the impugned order has been passed only to accommodate respondent no.4 in his place. He, therefore, prays for setting aside of the impugned order of the transfer.

3. On the other hand, the learned Government Advocate appearing for respondents no.1 to 3 has referred to reply filed by the said respondents. It is stated by him that the petitioner was given additional charge of Halka No.20, Banmore Khurd vide order dated 02/02/2024 (Annexure-R/1). While working in the said Khasra, certain complaints were made against him in relation to which charge-sheet has been issued to him on 20/12/2024. The enquiry in this regard is thus pending. It is further stated that while issuing order dated 17/06/2025, the aforesaid information was not available with the Additional Collector which resulted in transfer of the petitioner in Halka Banmore Khurd. The learned counsel further submitted that the Sub-Divisional Officer is In-charge of the Tahsil and is competent to post the Patwari from work Halka to another and this would not amount to modifying



the order dated 17/06/2025. The learned counsel, therefore, submitted that the impugned order is justified in the facts and circumstances of the case and does not warrant any interference.

4. The learned counsel appearing for respondent no.4 adopts the arguments of the counsel for respondents no.1 to 3. In addition, he placed reliance upon the order of this Court rendered in the case of **Umesh Pratap Singh vs. State of M.P. & others in W.P. No.12985/2025** as also in the case of **Ravindra Kumar vs. State of M.P. & others in W.P. No.27213/2025** wherein this Court has held that posting of Patwari from one Halka to another in same Tahsil would not amount to transfer and the Sub-Divisional Officer is competent to make such posting.

5. Considered the arguments and perused the record.

6. The main ground of challenge to the impugned order dated 28/07/2025 is that once the earlier transfer order dated 17/06/2025 is executed, the same could not be cancelled. Firstly, it is seen that vide impugned order dated 28/07/2025, the earlier order of transfer dated 17/06/2025 is not cancelled or modified. The impugned order is independent of order dated 17/06/2025. The reliance placed upon the Division Bench judgement in the case of **Manmohan Sharma (supra)**, by the petitioner's counsel, is of no help to the petitioner inasmuch as the Division Bench has held in the said case that if an order of transfer is executed and if the employer intends to modify the same, it should be based upon sound administrative reasons. Since, the enquiry is already pending in relation to petitioner's working at Halka Banmore Khurd, this Court is satisfied that the



shifting of the petitioner from Halka Banmore Khurd is justified.

7. The another ground of challenge to the impugned transfer order is the competence of the Sub-Divisional Officer to have passed the order modifying the order of Additional Collector dated 17/06/2025. In this regard it is to be noted that under the provisions of M.P. Land Revenue Code, the Sub-Divisional Officer is competent to post the Patwari from one Halka to another within the Tahsil. Further, in view of clause 12 of transfer policy, posting of the Patwari from one Halka to another would not amount to transfer. This has been so held by this Court in the case of **Umesh Pratap Singh & Ravindra Kumar** (supra). Moreso, as observed hereinabove, the impugned order does not modify the order dated 17/06/2025 and is independently passed by the Sub-Divisional Officer.

8. In view of the aforesaid, the impugned order dated 28/07/2025 changing the petitioner's posting from Patwari Halka Banmore Khurd to Patwari Halka Ranchauli is found to be justified in the facts and circumstances of the case and does not warrant any interference by this Court. It is, accordingly, upheld. Consequently, this writ petition is dismissed.

(ASHISH SHROTI)  
JUDGE