



¹ NEUTRAL CITATION NO. 2026:MPHC-IND:12617

W.P. No. 189/2020

**IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE JAI KUMAR PILLAI**

WRIT PETITION No. 189 of 2020

VIRENDRA KUMAR KATARE

Versus

***GENERAL ADMINISTRATION DEPARTMENT AND
OTHERS***

Appearance:

Shri Amalpushp Shrotri with Sh. Manu Maheshwari and
Shri Tejas Vyas -Advocates for petitioner.
Shri Sudeep Bhargav –Dy.A.G for the respondents.

Reserved on : 16/04/2026

Post on : 04/05/2026

ORDER



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1. This Writ Petition under Article 226 of the Constitution of India has been preferred by the petitioner, being aggrieved by the charge sheet dated 25.06.2019 (Annexure P/1) issued by Respondent No. 2. By way of the impugned charge sheet, the petitioner has been subjected to disciplinary proceedings for a cause of action pertaining to the year 2013.

2. The petitioner seeks the indulgence of this Court to quash the impugned charge sheet and all consequential proceedings, declaring the same as *void ab-initio*. The petitioner further prays for a direction to the respondents to conduct a review Departmental Promotion Committee (DPC) for the post of Joint Collector to consider his name, and to restrain the respondents from taking any coercive action.

Facts of the Case

3. The petitioner was initially appointed as a Naib-Tehsildar on 14.08.1996. He was subsequently promoted to the post of Tehsildar on 08.01.2003, and was further promoted as a Deputy Collector vide order dated 28.10.2014. Presently, the petitioner is discharging his duties as Deputy Collector, Dhar.

4. In the year 2013, the petitioner was posted as Tehsildar, Ratlam. While performing his statutory quasi-judicial and executive functions, the petitioner passed an order in accordance with law



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with regard to attached land bearing Survey No. 173, area 2.000 Hectares, and conducted auction proceedings in respect of the said property.

5. To the utter surprise of the petitioner, he was directly served with the impugned charge sheet dated 25.06.2019 without any prior show-cause notice. The charge sheet levels four specific charges against him regarding acts discharged during his tenure as Tehsildar in the year 2013.

6. Charge Nos. 1 and 2 are inter-related and pertain to the auction of the attached property (Survey No. 173), which the petitioner claims was done pursuant to the orders of this Court in W.P. No. 5530/2012 and upheld in W.P. No. 7250/2013. Charge Nos. 3 and 4 relate to an order dated 16.04.2013 passed in Case No. 18/A-6/12-13, whereby mutation was directed on the basis of a will.

Contentions of the Petitioner

7. The learned counsel for the petitioner submits that the petitioner acted as a quasi-judicial officer exercising powers conferred under the Madhya Pradesh Land Revenue Code, 1959. Therefore, he is entitled to protection under Section 3 of the Judges (Protection) Act, 1985. Reliance is placed on the judgments of this Court in **2024 SCC OnLine MP 7916 (Premnarayan Vs. State of**



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M.P.) and 2024 SCC OnLine MP 7358 (Kailash Bundela Vs. State of M.P.).

8. It is further contended that the petitioner, discharging quasi-judicial functions, cannot be issued a charge sheet for merely passing an alleged wrong order without any allegation that the order was influenced by extraneous factors or gratification. In support of this contention, the petitioner relies upon the recent judgment of the Hon'ble Supreme Court in **2025 SCC OnLine SC 693 (Amresh Shrivastava Vs. State of M.P.).**

9. The petitioner strongly urges that the charge sheet, issued on 25.06.2019 for events of 2013, suffers from an unexplained and inordinate delay of six years. It is argued that such belated initiation of proceedings causes serious prejudice and vitiates the entire inquiry.

10. Lastly, the petitioner contends that the charges leveled against him are entirely vague, bogus, and unspecific. Charge Nos. 1 and 2 allege violation of High Court orders without specifying which order was violated. Relying on **Govt. of A.P. v A. Venkata Raidu, (2007) 1 SCC 338,** it is argued that cryptic charges bereft of material particulars deserve to be quashed at the threshold.



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Contentions of the Respondents

11. *Per contra*, the respondents contend that the charge sheet was issued to the petitioner in accordance with Rule 14 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966. It is stated that the petitioner deliberately exercised his discretion to benefit another party by failing to act in accordance with the law.

12. The respondents submit that a preliminary investigation revealed that in one case, the petitioner auctioned land (Survey No. 173) in 2013, which had already been auctioned in 2002. In another case, the petitioner transferred Bhu-daan land (Survey No. 89/2) on the basis of a will without the prior permission of the Collector and without verifying the death certificate of the testator, Nanuram.

13. It is argued that acting contrary to rules and principles enunciated by law with the intention of benefiting any person falls into the category of corruption and misconduct. Such acts cannot be shielded under the garb of quasi-judicial functions.

14. Rejecting the ground of delay, the respondents submit that information regarding the misconduct was received in 2016, leading to a preliminary inquiry and the subsequent issuance of the charge sheet in 2019. Relying upon **State of Andhra Pradesh v. Apala Swamy (2007 (14) SCC 49)** and **Additional Superintendent of**



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Police v. T. Natarajan (1999 SCC L&S 646), it is argued that the delay does not vitiate the inquiry. It is also submitted that the petitioner's promotion to Joint Collector cannot be considered while the inquiry is pending.

Analysis and Conclusion

15. Having heard the rival submissions and perused the record, this Court must first outline the scope of judicial review in such matters. Normally, the Court under Article 226 does not interfere with the departmental enquiry and charges. However, interference is firmly warranted in a case where the charges are prima facie absurd.

16. The core issue relating to disciplinary action against an officer discharging statutory or quasi-judicial duties is no longer *res-integra*. The law is well settled by the **Hon'ble Supreme Court in Union of India v. K.K. Dhawan, (1993) 2 SCC 56 : 1993 SCC (L&S) 325 : 1993 SCC OnLine SC 59 at page 67 reads as under:-**

“28. Certainly, therefore, the officer who exercises judicial or quasi-judicial powers acts negligently or recklessly or in order to confer undue favour on a person is not acting as a Judge. Accordingly, the contention of the respondent has to be rejected. It is important to



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bear in mind that in the present case, we are not concerned with the correctness or legality of the decision of the respondent but the conduct of the respondent in discharge of his duties as an officer. The legality of the orders with reference to the nine assessments may be questioned in appeal or revision under the Act. But we have no doubt in our mind that the Government is not precluded from taking the disciplinary action for violation of the Conduct Rules. Thus, we conclude that the disciplinary action can be taken in the following cases:

- (i) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty;*
- (ii) if there is prima facie material to show recklessness or misconduct in the discharge of his duty;*
- (iii) if he has acted in a manner which is unbecoming of a Government servant;*
- (iv) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;*
- (v) if he had acted in order to unduly favour a party;*
- (vi) if he had been actuated by corrupt motive, however small the bribe may be because Lord Coke said long ago “though the bribe may be small, yet the fault is great”.*

17. The charges framed against the petitioner reads as under:

//आदेश//

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मध्यप्रदेश सिविल सेवा (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1966 के नियम-12 (2) एवं 13 (1) के अधीन अनुशासनिक प्राधिकारी यथा राज्य शासन उक्त नियमों के नियम 14 (3) के अंतर्गत ऊपर निर्दिष्ट अनुशासनिक प्राधिकारी एतद् द्वारा श्री वीरेन्द्र कुमार कटारे, तत्कालीन तहसीलदार, रतलाम वर्तमान- डिप्टी कलेक्टर, जिला-धार के विरुद्ध निम्नानुसार आरोप अधिरोपित करता है :-

आरोप क्रमांक-1

यह कि आप तहसीलदार रतलाम (शहर) के पद पदस्थ होने के नाते यह स्पष्ट होता है कि आपके द्वारा उक्त नीलामी में मान. उच्च न्यायालय के निर्देशों का स्पष्ट रूप से उल्लंघन करते हुए एक पक्ष के हित में पक्षपात करते हुए, अनैसर्गिक, असामान्य एवं संदिग्ध गति से जानबूझकर त्रुटिपूर्ण आदेश पारित करने एवं अपने क्षेत्राधिकार से बाहर जाते हुए स्वत्व के प्रश्न पर निर्णय देने एवं संदिग्ध रूप से एक पक्ष के हित में रजिस्ट्री करने के आदेश दिये गये, जो कि घोर वितीय अनियमितता एवं शासन को गुमराह करने की श्रेणी में आता है।

आरोप क्रमांक-2

सर्वे क्रमांक 173 रकबा 2.000 हे. ग्राम बरबड हेतु वर्ष 2002 में हुई नीलामी में क्रेता शुभम कन्स्ट्रक्शन्स द्वारा सर्वाधिक बोली के आधार क्रय की गई भूमि पर कोई कार्यवाही न किये जाने के कारण यही सर्वे नं. वर्ष 2013 में पुनः निलाम होकर मेसर्स आशा रियल स्टेट द्वारा विक्रय कर



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दी गई, जिसका सेल लेटर आपके द्वारा जारी किया गया, जो कि मान. उच्च न्यायालय के निर्देशों के विरुद्ध है। तहसीलदार तहसील-रतलाम होने के नाते आपको नीलाम हुई भूमि के संबंध में क्या कार्यवाही हुई, इसकी जानकारी रखनी थी।

आरोप क्रमांक-3

आपके द्वारा प्रकरण क्रमांक 18/अ-6/12-13 आदेश दिनांक 16.04.2013 के द्वारा ग्राम करमदी, तहसील व जिला-रतलाम की भूमि सर्वे क्रमांक 89/2 रकबा 1.400 हेक्टर भूमि नानूराम पिता उदा जाति बलाई सा.देह. भू-दान कृषक भू-राजस्व 10.50 को वसीयत नामे के आधार पर अतुल पिता कृष्णकुमार खण्डेलवाल, निवासी इन्दौर को नामांतरण कर दी गई। जबकि भू-दान अधिनियम 1968 की धारा-33 के अंतर्गत कलेक्टर की अनुमति के बिना भू-दान भूमि के अंतरण पर रोक है। आपका कृत्य शासन नीति के विरुद्ध होकर अनियमितता की श्रेणी में आता है।

आरोप क्रमांक-4

भू-धारक भूमिस्वामी नानूराम पिता उदाजी द्वारा वसीयत दिनांक 31.01.1989 उषा पिता देवी प्रसाद के पक्ष में की गई। वसीयतकर्ता नानूराम पिता उदाजी का मृत्यु प्रमाण-पत्र प्रस्तुत नहीं होने के बावजूद भी आपके द्वारा मात्र पटवारी रिपोर्ट एवं पंचनामे के आधार पर मृत्यु होना माना गया, जो कि पदीय कर्तव्यों के निर्वहन में अक्षमता को दर्शाता है।

18. Upon analyzing the charges, it is evident that the petitioner was acting as a quasi-judicial officer under the M.P. Land Revenue Code, 1959. Consequently, he is entitled to protection under the



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Judges (Protection) Act, 1985 as established in **2024 SCC OnLine MP 7916 (Premnarayan) and 2024 SCC OnLine MP 7358 (Kailash Bundela)**.

19. On a bare reading of the charges framed against the petitioner, it is apparent that the actions of the petitioner, which form the bedrock of the charge sheet, were performed strictly in his capacity as a quasi-judicial officer under the Madhya Pradesh Land Revenue Code, 1959. To appreciate this protection, the specific facts of the charges must be juxtaposed with the statutory duties of a Tehsildar.

20. In respect of Charge Nos. 1 and 2, the allegations pertain to the auction proceedings of the attached property bearing Survey No. 173 and the subsequent issuance of a sale certificate. The attachment and auction of property for the recovery of dues or execution of orders are formal statutory functions entrusted to a Revenue Officer. The record indicates that the petitioner was discharging his duties as a Tehsildar, executing the mandate of the law regarding attached property, which is inherently a quasi-judicial and formal executive function under the Code.

21. Similarly, Charge Nos. 3 and 4 directly arise from the judicial order dated 16.04.2013 passed by the petitioner in a formally instituted Revenue Case (Case No. 18/A-6/ year 2012-13). The allegations state that the petitioner mutated land bearing Survey



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No. 89/2 on the basis of a Will and deduced the death of the original landowner, Nanuram, by weighing evidentiary documents, namely a Patwari report and a Panchnama. The process of mutation, the appreciation of a Will, and the evaluation of local inquiry reports (Panchnama) to ascertain the death of a party are classic adjudicatory functions of a Revenue Court.

22. Section 3 of the Judges (Protection) Act, 1985 affords absolute protection to any person who is empowered by law to give a definitive judgment in any legal proceeding. Because the petitioner was presiding over formal revenue cases and adjudicating civil rights pertaining to land revenue and title mutation under the M.P. Land Revenue Code, 1959, his actions squarely fall within the protective ambit of the Act.

23. Consequently, even if the mutation order was erroneous or the auction procedure suffered from legal infirmities, such errors of judgment made during the lawful exercise of statutory powers cannot be categorized as administrative misconduct. This specific legal position, shielding Revenue Officers from disciplinary proceedings for quasi-judicial errors, has been conclusively affirmed by this Court in **2024 SCC OnLine MP 7916 (Premnarayan Vs. State of Madhya Pradesh)** and **2024 SCC OnLine MP 7358 (Kailash Bundela Vs. State of Madhya**



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Pradesh). Therefore, the charges are legally unsustainable on this ground alone.

24. Furthermore, regarding Charges 3 and 4, the petitioner discharging quasi-judicial functions could not be issued a charge sheet for passing an alleged wrongful order without any allegation of the order being influenced by extraneous factors or gratification. In **2025 SCC OnLine SC 693 (Amresh Shrivastava Vs. State of Madhya Pradesh and Others)**, the Hon'ble Supreme Court held as under:

"16. In the present case, we are of the considered view that the charges alleged against the Appellant in the chargesheet fall under the category of a wrongful order which does not appear to have been influenced by extraneous factors or any form of gratification. It appears that the order has been passed in good faith without any indication of dishonesty. Furthermore, the facts outlined in the Show Cause Notice do not suggest any such impropriety. The power exercised by the Appellant in his capacity as a Tehsildar, while passing the order of Land Settlement Order, cannot be considered of a nature that would warrant disciplinary proceedings against him. The decision relied upon by the Counsel for the Appellant as mentioned above, supports this view. Consequently, the first question is answered in favor of the Appellant"



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25. Regarding the six-year delay in issuing the charge sheet, the Supreme Court in the identical context of Amresh Shrivastava (supra) held as under:

"17. As to the second question, regarding whether delay is a ground for stopping the departmental proceedings at the stage of the charge sheet itself, office it to say that this varies from case to case. However, in the instant case where there is unexplained in ordinate delay in initiating departmental proceedings despite the alleged misconduct being within the knowledge of the department, but still no departmental proceedings are initiated, the answer must go in favor of the employee. However, there may be cases where the department was not even aware of such irregularities or the misconduct, which is of such a nature that it is indicative, based on material considerations of factors other than merit, such as extraneous influences and gratifications. In such cases, such a delay, by itself would not be a valid ground so scuttle the initiation of the process of departmental proceedings."

26. Lastly, the charges leveled against the petitioner are vague, unspecific, and bogus. Specifically, Charges 1 and 2 fail to mention which exact order of the High Court was violated. Dealing with such vague charges, the Supreme Court in **Govt. of A.P. v A. Venkata Raidu, (2007) 1 SCC 338** held as under:



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"8. The High Court in para 12 of the judgment observed thus "It is also to be noted that the so-called directions of GOs issued by the Government on the subject were not even placed before the enquiry officer. It is on record that the delinquent officer only renewed the deposits already made by his predecessors. Under those circumstances, the Tribunal has categorically observed that Charge 1 cannot be held to be proved on the basis of the material available on record""

"9. We respectfully agree with the view taken by the High Court. It is a settled principle of natural justice that if any material is sought to be used in an enquiry, then copies of that material should be supplied to the party against whom such enquiry is held. In Charge 1, what is mentioned is that the respondent violated the orders issued by the Government. However, no details of these orders have been mentioned in Charge 1 it is well settled that a charge-sheet should not be vague but should be specific. The authority should have mentioned the date of the GO which is said to have been violated by the respondent, the number of that GO, etc. but that was not done. Copier of the said GOs or directions of the Government were not even placed before the enquiry officer. Hence, Charge I was not specific and hence no finding of guilt can be fixed on the basis of that charge. Moreover, as the High Court has found, the respondent only renewed the deposit already made by his predecessors. Hence, we are of the



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opinion that the respondent cannot be found guilty for the offence charged"

27. Thus, while this Court normally exercises restraint under Article 226 in matters of departmental enquiry, this is a glaring case where the charges are prima facie absurd, legally vague, delayed, and targeted at a quasi-judicial function without any specific imputation of *malafide* intent or gratification.

28. Consequently, the petition is **allowed**. The impugned charge sheet dated 25.06.2019 (Annexure P/1) and all consequential proceedings are hereby **quashed**. The respondents are directed to conduct a review DPC for the post of Joint Collector and the name of the petitioner be considered strictly in accordance with law, uninfluenced by the quashed proceedings.

29. Pending applications, if any, are **disposed of** accordingly.
No order as to costs.

(Jai Kumar Pillai)
Judge

hk/