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MSA-35-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 1st OF JULY, 2026

MISCELLANEOUS SECOND APPEAL No. 35 of 2026

M.P.REAL ESTATE REGALARATORY AUTHORITY

Versus

SHANKAR JI MAHARAJ TRUST

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Appearance:

Shri Ajay Gupta - Senior Advocate with Ms. Malvika Tiwari -
Advocate for appellent.

Shri Sanjay Agrawal - Senior Advocate with Shri Arpit Agrawal -
Advocate for responident.

Shri Anubhav Jain - Government Advocate for responident/State.
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ORDER

Per. Pradeep Mittal J.

This appeal under Section 58 of the Real Estate (Regulation and Development) Act, 2016 ("the Act of 2016") has been preferred by the Madhya Pradesh Real Estate Regulatory Authority ("the Authority") against the order dated 23.01.2026 passed by the Madhya Pradesh Real Estate Appellate Tribunal, Bhopal ("the Tribunal") in Appeal No. 119/2025, whereby the Tribunal set aside the order dated 06.06.2025 passed by the Authority rejecting the respondent/Trust's application for registration of the



project "Shree Shankar Ji Niwas", Tehsil Patan, District Jabalpur, and remanded the matter with a direction to grant registration.

2. The respondent/Trust applied on 08.06.2023 for registration of the aforesaid project, comprising land bearing Khasra Nos. 231, 269/1 and 297, admeasuring 2.0957 hectares, situated at Tehsil Patan, District Jabalpur. The application was first rejected on 06.12.2023 on the ground that the Trust did not fall within the definition of a "person" under the Act of 2016. That order was set aside by this Court on 30.01.2025 in W.P. No. 25307/2024, and the matter was remanded for fresh consideration.

3. On remand, after issuing further deficiency notices dated 14.02.2025, 08.04.2025, 06.05.2025 and 08.05.2025 and affording a hearing on 27.05.2025, the Authority again rejected the application on 06.06.2025, this time on the ground that the respondent had failed to establish clear and marketable title over the project land under Section 4(2)(1)(A) of the Act of 2016 read with Rule 6(1)(a) of the M.P. Real Estate (Regulation and Development) Rules, 2017 ("the Rules of 2017"), since the revenue records since 1954-55 recorded the land in the name of Shri Shankar Ji Maharaj Temple, treated by the Authority as an entity distinct from the respondent/Trust.

4. The Tribunal, by the impugned order dated 23.01.2026, allowed the respondent's appeal, holding that the land had already been the subject of a final inquiry and order under the M.P. Public Trusts Act, 1951 ("the Trusts Act"), that the Authority had no jurisdiction to record a finding contrary to that final order, and that the Trust and the Temple could not be treated as



separate entities. The Authority, aggrieved, has filed the present appeal.

5. Learned counsel for the appellant submits that the Authority acted strictly within its statutory mandate under Sections 4 and 5 of the Act of 2016; that despite repeated opportunities the respondent failed to produce the trust deed, land-donation documents and other title papers required under Section 4(2)(1)(A) of the Act read with Rule 6(1)(a) of the Rules of 2017; that mere registration under the Trusts Act does not by itself confer ownership of the land, that the Tribunal erred in treating the Registrar's order as conclusive proof of ownership, since the Registrar of Public Trusts has no jurisdiction to adjudicate title to immovable property, which can be determined only by a competent civil court, and that, relying on the decision of the Supreme Court in State of Madhya Pradesh v. Pujari Utthan Avam Kalyan Samiti, temple property vests in the deity as a juristic person and no other person, including the respondent/Trust, can claim ownership over it.

6. Learned counsel for the respondent supports the impugned order and submits that the project land was the subject of an inquiry by the Registrar of Public Trusts, Patan, culminating in an order dated 02.06.1986 under Section 7 of the Trusts Act recording the land as trust property, and a further order dated 14.12.2021 under Section 14 of the Trusts Act granting the Trust conditional permission to donate a portion of the land to the State Government and to develop the remainder, including for the residential project in question. It is submitted that neither order has ever been set aside by a civil court or modified under the Trusts Act, that such orders have therefore attained finality under Section 7(2) of the Trusts Act, and that the



Authority, not being a civil court, had no jurisdiction to reopen that finality or to treat the Trust and the deity/temple as distinct entities merely because revenue entries of some earlier years stood in the name of the Temple.

7. The short question is whether the impugned order of the Tribunal suffers from any error going to jurisdiction, or gives rise to any substantial question of law, warranting interference in this appeal.

8. Section 58(1) of the Act of 2016 confines an appeal to the High Court against an order of the Tribunal to the grounds specified in Section 100 of the Code of Civil Procedure, 1908, that is, the existence of a substantial question of law. This Court, sitting in such an appeal, does not re-appreciate evidence or substitute its own view for a plausible view taken by the Tribunal on facts, unless that view is shown to be perverse or contrary to law.

9. Section 4(2)(1)(A) of the Act of 2016 requires a promoter, along with the application for registration, to furnish a declaration supported by an affidavit stating, inter alia, that the promoter has a legal title to the land on which the development is proposed, together with a legally valid document in support of such title. Rule 6(1)(a) of the Rules of 2017 requires such document to be one of the specified categories of title documents. Section 5 empowers the Authority to grant or, for reasons to be recorded, refuse registration where the application does not conform to the requirements of the Act and Rules. The provision is undoubtedly intended to protect allottees by ensuring that only promoters with a demonstrable right to develop the land are registered. It does not, however, either expressly or by necessary



implication, confer upon the Authority the power to adjudicate a disputed question of title or to sit in appeal over a final order passed by another statutory authority having exclusive jurisdiction over that question.

10. Under Section 3 of the Trusts Act, the Collector of the district is the Registrar of every public trust, and under Section 34-A he may delegate his powers to a Sub-Divisional Officer. Section 5(1) obliges the Registrar, upon an application under Section 4 or otherwise, to hold an inquiry to ascertain, among other things, whether the trust in question is a public trust and whether any property is the property of such trust. Section 6 requires the Registrar to record his findings, and Section 7 requires entries to be made in the register of public trusts pursuant to those findings. Section 7(2) declares that an entry so made "shall be final and conclusive", subject only to a civil suit by a working trustee or a person interested in the trust to challenge the Registrar's decision before a civil court.

11. It is not in dispute that the Registrar of Public Trusts, Patan, by order dated 02.06.1986, held an inquiry under Section 5 and recorded a finding that the land bearing Khasra Nos. 231, 269 and 297 was trust property, and directed its entry in the register under Section 7. It is equally not in dispute that the same authority, by a subsequent order dated 14.12.2021 passed under Section 14 of the Trusts Act, permitted the Trust to donate a part of that very land to the State Government and to develop the remainder, including by sale of residential and commercial plots. Neither order has been set aside by a civil court, nor modified under the Trusts Act or the rules made thereunder. On a plain reading of Section 7(2), such an entry



attains finality that can be disturbed only in the manner the statute itself provides.

12. The distinction the Authority sought to draw, between the respondent/Trust and the Temple in whose name some of the earlier revenue entries stood, cannot survive scrutiny once it is seen that the Registrar of Public Trusts, exercising the very inquisitorial jurisdiction the Trusts Act confers on him for precisely this purpose, has already found the land to be the property of the Trust and has permitted the Trust to deal with it. A quasi-judicial authority such as the Authority, created under a separate statute for the limited purpose of regulating the real estate sector, cannot record a finding at variance with a final and conclusive determination made by the authority statutorily empowered to make that very determination. This is not a case of the Authority independently verifying title documents placed before it; it is a case of the Authority, in substance, disagreeing with and overriding an order that Section 7(2) of the Trusts Act declares final. That the Authority is, as its counsel rightly submits, not a civil court, cuts against the Authority's own case; if title disputes can be resolved only by a civil court, the Authority was equally without jurisdiction to hold, contrary to the Registrar's final order, that the Trust lacked title.

13. The legal position on this point is well-settled. Once a competent statutory authority under the Public Trusts Act has conducted a formal inquiry and officially recorded a specific piece of land as trust property, that entry attains statutory finality. A regulatory body established under a different special enactment, such as the Real Estate Regulatory Authority



(RERA), has no jurisdiction to look behind or bypass this finality. Unless and until the Registrar's entry is successfully challenged and set aside by a competent Civil Court, it remains binding on all quasi-judicial authorities, which are bound to accept it as valid for all regulatory purposes.

14. It is a fundamental principle of administrative law that special tribunals must operate strictly within the boundaries of their parent statutes. The primary function of the Authority under the Act of 2016 is to regulate the real estate sector and ensure project execution. It does not possess any residual or appellate powers to review, modify, or ignore the final declarations made by the Registrar under the M.P. Public Trusts Act, 1951. By attempting to re-adjudicate the ownership status of the trust property, the Authority clearly exceeded its statutory mandate.

15. The reliance placed by the appellant on the judgment of the Hon'ble Supreme Court in State of M.P. v. Pujari Utthan Avam Kalyan Samiti (2021) is completely misplaced. The facts of that case are entirely different from the case at hand. The Pujari Utthan case was specifically dealing with an unauthorized pujari (priest) illegally claiming personal Bhumiswami (ownership) rights over government temple land in his individual name. It did not deal with a legally recognized, registered Public Trust handling the estate. Therefore, the principles established in that case do not apply to the present matter where the land has already been lawfully declared as Public Trust property.

16. Upon a detailed and combined reading of the relevant statutory provisions, this Court finds that the Tribunal's conclusions are fully sound



and structured on a correct interpretation of law for the following reasons:

(i). The statutory inquiry conducted by the Registrar of Public Trusts on 02.06.1986, followed by the explicit development sanction granted under Section 14 on 14.12.2021, has achieved absolute finality. Since no civil suit was filed to challenge these entries, they are "final and conclusive" under the law.

(ii). While Section 4(2)(1)(A) of the Act of 2016 empowers the Authority to call for legal title documents and affidavits from a promoter, this regulatory power cannot be stretched to function as a title-adjudicating court. The Authority must verify the existence of valid title documents but cannot sit in appeal over or reverse a final order passed by the Registrar under a special law like the Trusts Act.

(iii). The distinction drawn by the Authority between the Temple (deity) and the Trust is legally unsustainable. A temple deity, being a juristic person, remains a minor in the eyes of law and must act through a lawful management agency. A duly registered Public Trust is the legally recognized face of the deity. The revenue records showing the Temple's name are inherently represented by the registered Trust. Therefore, the Authority committed a grave jurisdictional error by overriding the Registrar's final orders. These findings disclose no perversity, and consequently, no substantial question of law within the meaning of Section 100 of the Civil Procedure Code arises.

17. For the reasons stated above, this Court finds no infirmity, legal or jurisdictional, in the order dated 23.01.2026 passed by the Madhya Pradesh



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Real Estate Appellate Tribunal, Bhopal, in Appeal No. 119/2025. The present appeal is devoid of merit and is accordingly **dismissed**. The order of the Tribunal dated 23.01.2026 is affirmed.

18. There shall be no order as to costs. Any pending applications stand disposed of accordingly.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

Praveen