

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1421 of 2015

Kumari Ati Agrawal D/o Shri Gulabchand Agrawal Aged About 29 Years R/o Opposite Town Hall, Raigarh, Tehsil And District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahandi Bhawan, Mantralaya, Naya Raipur Mandir Hasod, District Raipur Chhattisgarh
2. District Collector Collectorate, Janjgir Champa Chhattisgarh
3. Sub Divisional Officer (Revenue) Dabhra, District Janjgir Champa Chhattisgarh
4. Tahsildar Dabhra, District Janjgir Champa Chhattisgarh
5. Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasod, District Raipur Chhattisgarh
6. Executive Engineer Water Resources Survey And Barrage Construction Division No. 1, Kharsiya, District Raigarh Chhattisgarh
7. Sub Divisional Officer Water Resources Survey And Barrage Construction Sub Division No. 2, Malkharoda, District Janjgir Champa Chhattisgarh
8. Shri A.K. Upadhyay Tahsildar Dabhra, District Janjgir Champa Chhattisgarh

---- Respondents

Shri Amrito Das, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State / respondents 1 to 7.

Order On Board

01/10/2015

The challenge to the impugned order by which, respondent No.3 granted permission to Tahsildar to review its order followed by impugned order dated 15/05/15 passed by respondent No.4 is assailed on the sole ground that the said exercise has been undertaken without issuing notice to the petitioner and without affording opportunity of hearing.

2. On the last date of hearing, learned State counsel was granted time to make his submission.

Today, State counsel submits that the grounds on which review has been sought are not valid. Therefore, only on this technical ground, the petitioner is not entitled to any relief.

3. The issue whether issuance of notice would be necessary to the party in whose favour the order, sought to be reviewed, was passed need not detain this Court any longer because principles of natural justice has been violated. The order which was sought to be reviewed and in respect of which permission was obtained from SDO was admittedly passed in favour of the petitioner. Therefore, exercise of review undertaken under Section 51 of the Land Revenue Code necessarily requires notices to be issued to the petitioner.

In taking this view, I am supported by the order passed by the Division Bench of the High Court of Madhya Pradesh in the case of **Biharilal v. State of M.P. and others and connected matter, 2010 (2) MPHT 115 (DB)** and another order of the Division Bench in the Case of **Shaheed Anwar v. Board of Revenue and another, 2000 RN 76**.

4. In view of the above, impugned orders cannot be sustained in law and are set aside. The concerned authority however shall be at liberty to initiate fresh proceedings after affording proper opportunity of hearing to the petitioner.

The petition is accordingly allowed.

Sd/-
Manindra Mohan Shrivastava
Judge