

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 259 of 2016

Upnand S/o Shri Indrajeet, Aged About 55 Years Caste
Aghariya, Profession - Farmer, R/o Village Saposh, Tahsil
Dabhra, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department
Of Revenue, Mahanadi Bhavan, New Raipur, District Raipur
(Chhattisgarh)
2. The Tehsildar, Dabhra, District Janjgir Champa
(Chhattisgarh)
3. The Executive Engineer, Water Resources Survey & Barrage
Construction Division No. 1, Kharsia, District Raigarh
(Chhattisgarh)
4. Mr Komal, S/o Shri Arjun, Caste Agahariya, R/o Village
Koshmanda, Tahsil Dabhra, District Janjgir Champa
(Chhattisgarh)

---- Respondents

Shri Alok Dewangan, counsel for the petitioner/s.
Ms. Tripti Rao, Panel Lawyer for the State/respondents No.1
to 3.
None for respondent No. 4 though served.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/03/2016

Heard.

1. Challenge is to the impugned order by which the Tahsildar
has proceeded to review its earlier order on the basis of permission
granted by the Sub-Divisional Officer in purported exercise of power

under Section 51 of the Land Revenue Code.

2. Learned counsel for the petitioner submits that the issue involved in this petition is squarely covered vide order dated **24.02.2016 passed by this Court in WPC No. 154 of 2016 (Purusottam Singh vs. State of Chhattisgarh and others).**

3. In the case of Purusottam Singh (supra), this Court held -

“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 the present case also, the Tahsildar sought permission to review the order passed earlier from the Sub-Divisional Officer and the Sub-Divisional Officer vide order dated 23.03.2015 granted permission to review without issuing any notice and affording opportunity of hearing to the petitioner.

5. In view of the above, the present case is squarely covered by the order passed by this Court in the case of Purusottam Singh

(supra).

6. Consequently, impugned order cannot be sustained in law and is set aside. The concerned authority however shall be at liberty to initiate fresh proceedings after affording proper opportunity of hearing to the petitioner.

7. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge