

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C). No. 619 /2016

Rameshwar Yadav, S/o. Late Bhagbali Yadav, Aged About 29 Years, R/o. Village Ulsapur, Alka Avenue, Police Station Chakrabhatha, Tahsil Takhatpur, Up Tahsil Sakri, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through the Secretary, Revenue & Disaster Management Department, Mahandi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. The Collector, Bilaspur, District Bilaspur, Chhattisgarh
3. The Sub Divisional Officer (Revenue), Kota, District Bilaspur, Chhattisgarh
4. The Tahsildar, Kota, District Bilaspur, Chhattisgarh
5. Ashwani Miri, S/o. Ramadhar Miri, Aged About 35 Years, R/o. Village Kharjhiti, Police Station & Tahsil- Kota, District Bilaspur, Chhattisgarh. At Present R/o. Ward No.4, Devhariya Para, Kargi Road, Kota, P.S. & Tahsil- Kota, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Mr. Bharat Rajput, Advocate.

For State/ Respondent No.1 to 4 : Mr. B.Gopakumar, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/03/2016

1. The petitioner has filed this petition aggrieved by the order dated 15.10.2015 by which the S.D.O., Revenue, has directed the Tahsildar to take up the matter in review jurisdiction and pass a fresh order.
2. Learned counsel for the petitioner submits that vide order dated 07.07.2015, the Tahsildar passed an order directing for mutation of his name in the revenue records in respect of the land in dispute. Though no appeal or any application was preferred, suo moto review could only be taken up by the competent authority under the provisions of Land Revenue Code. The S.D.O. of his own, has

directed the Tahsildar to change his order by reviewing the order and that too without affording any opportunity of hearing to the petitioner.

3. Learned State counsel submits that the S.D.O. having found that the order dated 07.07.2015 passed by the Tahsildar was not in accordance with law and the land was earlier shown to be a lease land, the kind of order which has been passed by the Tahsildar has rightly been directed to be taken up for review by the Tahsildar.
4. Irrespective of the merit of the case, it cannot be disputed on the face of the record that there was an order passed in favour of the petitioner by the Tahsildar on 07.07.2015. Assuming for the argument sake that the S.D.O. had jurisdiction to issue a direction, as contained in the impugned order, it could not be done without affording opportunity of hearing to the petitioner. It is stated by the petitioner that Respondent No.5 is not the contesting party. In view of the above, the legality in the order being apparent, I am inclined to set aside the order dated 15.10.2015. However, the competent authority may proceed in the matter after affording the opportunity of hearing to the petitioner.
5. Accordingly, the petition is allowed.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE