

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1531 of 2016

- Komal Agrawal W/o Shri Ganesh Lal Agrawal, Aged About 21 Years
R/o Purana Sadar, Bazar, Raigarh, Tah. & District Raigarh, Civil And
Revenue District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector, Raigarh, District Raigarh
Chhattisgarh
2. Sub Divisional Officer, (Revenue), Raigarh, District Raigarh
Chhattisgarh
3. Tahsildar, Pusaur, District Raigarh Chhattisgarh

---- Respondent

And

WPC No. 1532 Of 2016

- Smt. Sharda Devi Agrawal W/o Shri Satnarayan Agrawal, Aged About
42 Years R/o Purana Sadar Bazar, Raigarh Tashil & District Raigarh,
Civil And Revenue District Raigarh (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through Collector, Raigarh, District Raigarh
(Chhattisgarh).
2. Sub Divisional Officer, (Revenue), Raigarh, District Raigarh
(Chhattisgarh).
3. Tahsildar, Pusaur, District Raigarh (Chhattisgarh).

---- Respondent

For Petitioners : Shri M.K. Sinha, Advocate.
For Respondents : Shri Ramakant Mishra, Deputy AG.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

21/06/2016

1. Learned counsel for the petitioners is permitted to amend the relief clause to seek quashment of the order passed by the Sub Divisional Officer (Revenue), Raigarh on 25.7.2014 during the course of the day.
2. Challenge in these two writ petitions is to the orders passed by the Sub Divisional Officer (Revenue) Raigarh permitting Tehsildar, Pussor to review its own order by which mutation was directed in petitioners' favour on 12.5.2013.
3. There is no dispute about the legal position that the Sub Divisional Officer (Revenue) has exercised the power under Section 51 of the CG Land Revenue Code, 1959 (for short 'the Code') and such power has to be exercised after issuing notice and giving opportunity of hearing to the person who is likely to be affected or in whose favour the order sought to be reviewed was passed by the subordinate revenue officer.
4. This Court in WPC No.1422/2015 decided on 1.10.2015 and in WPC No.1243/2016 (Smt. Komal Agrawal Vs. State of CG & Others) decided on 10.5.2016 has quashed the similar orders. In the said matter, reliance has been placed in the Division Bench order of the Madhya

Pradesh High Court in the matter of **Biharilal Vs. State of M.P. and connected matters** {2010 (2) MPHT 115 (DB)}.

5. The matter in issue being identical, the impugned order passed by the Sub Divisional Officer (Revenue) Raigarh on 25.7.2014 and the subsequent order passed by the Tehsildar on 5.9.2014 are set aside. The matter is remitted back to the Sub Divisional Officer (Revenue) Raigarh for passing orders on Tehsildar's request for suo motu revision after giving opportunity of hearing to the petitioner.
6. Let the needful be done by the Sub Divisional Officer (Revenue) and thereafter by the Tehsildar after providing opportunity of hearing to the petitioners within a period of 4 months from today. It is made clear that this Court has not expressed any opinion on the merits of the case and the Sub Divisional Officer (Revenue) shall exercise powers under Section 51 of the Code and if it decides to grant permission for re-opening of the matter, the Tehsildar shall proceed to decide the matter strictly in accordance with law.
7. The Writ Petitions are accordingly disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)