

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3196 of 2016

Ku. Parul Sharma S/o Shri Ashok Sharma, Aged About 20 Years R/o Baikunthpur,
Raigarh, Tehsil And District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi 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. N.T.P.C. Ltd., Lara Super Thermal Power Project, Through The Additional General Manager (Land Acquisition), L T P C Lara Super Thermal Power Project, Chhapora, Tehsil Pussore, District Raigarh, (Chhattisgarh)

---- Respondents

Shri Amrito Das, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.
Shri B.D.Guru, counsel for NTPC.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/12/2016

1. The challenge to the impugned order, by which, respondent No.3 granted permission to Tahsildar to review its order followed by impugned order dated 25/05/15 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. 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.

3. 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.

5. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge