NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 217 of 2016

- Bali Nagwanshi S/o Late Shri Buter Nagwanshi, Aged About 49 Years R/o House No. 87, Sun City, Lalbagh, Jagdalpur District Bastar. (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh).
2. Board Of Revenue, S H 7, Nehru Nagar Bilaspur (Chhattisgarh).

---- Respondent

For Petitioner	Shri Kishore Bhaduri, Advocate
For Respondent/State	Shri R. K. Gupta, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

27/01/2016

1. The petitioner has assailed the notice issued by the Board of Revenue directing the petitioner to appear before it in *suo motu* review proceedings.

2. It is argued that the Board has passed an order in petitioner's favour on 17.07.2015, however, when the law settled by this Court in some other writ petition was brought to its notice in some other proceedings, the Board has proceeded to *suo motu* review the order in favour of the petitioner and for that the impugned notice has been issued. It is further submitted that the order passed by the Single Judge in WPC

No.3241/2011 (**Nilima Belsaria vs. State of Chhattisgarh and others**) has been appealed before the Division Bench, therefore, the same has not attained the finality. He would also submit that in any matter, where it comes to the notice of the authority that the same is decided contrary to the order passed by the High Court, it would apply in subsequent cases and not in the cases decided by the Board earlier.

3. Insofar as the above ground is concerned, the judgment passed by this Court would apply to all the proceedings, which are decided by any revenue authority after the date of judgment. It would not be prospective from the date of knowledge of the judgment by the Board of Revenue.

4. Be that as it may, the writ petition is only against the notice of hearing issued to the petitioner, therefore, this Court would not dwell on the merits of the matter, which is yet to be considered by the Board of Revenue. The petitioner would be at liberty to raise all such grounds, which are available to him, both factual and legal, to demonstrate that the review jurisdiction should not be exercised by the Board.

5. The writ petition stands dismissed, subject however to the above observation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala