NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2257 of 2015

- Narmada Bai Wd/o Late Mahettar Shriwas, Aged About 70 Years R/o. Janjgir, Tahsil, Police Station & Post Janjgir, Civil And Revenue District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)

2. Collector, Janjgir Champa, District Janjgir Champa, (Chhattisgarh)

3. Tahsildar, Janjgir, Tahsil Janjgir, District Janjgir Champa (Chhattisgarh)

---- Respondent

And

WPC No. 2254 Of 2015

- Smt. Rajkumari Shriwas @ Rajkumari, W/o Shobharam, aged about 55 years, R/o Janjgir, Tahsil, Police Station & Post Janjgir, Civil and Revenue District Janjgir-Champa (CG)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)

2. Collector, Janjgir Champa, District Janjgir Champa, (Chhattisgarh)

3. Tahsildar, Janjgir, Tahsil Janjgir, District Janjgir Champa (Chhattisgarh)

---- Respondent

For Petitioners : Shri Manoj Paranjpe, Advocate.
For Respondent/State : Shri Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/01/2016

1. In these two writ petitions under Article 226 of the Constitution of India, the respective petitioners have assailed the order passed by the Board of Revenue on 24.9.2015 admitting the review petition against the order passed by the Board of Revenue on 18.1.2010.

2. It appears, the Board of Revenue had passed the order on 18.1.2010 allowing the applications of the petitioners without hearing the State and without summoning the record of the Court below. The State Government thereafter moved an application for review on 2.9.2011 which was allowed by the Board of Revenue on 16.4.2012. Challenging the said order, the petitioners preferred writ petitions which were disposed of with a direction that the petitioners should be afforded opportunity. The petitioners thereafter submitted the written arguments on the application under Section 5 of the Limitation Act and thereafter the impugned order has again been passed by the Board of Revenue condoning the delay and admitting the review application for hearing.

3. Bare perusal of the impugned order would indicate that learned counsel appearing for both the parties had raised their arguments on the issue of

limitation and thereafter the Board of Revenue passed a detailed reasoned order condoning the delay and admitting the review application for hearing.

4. It has been argued that the order sanctioning/permitting review should be passed only after hearing the parties. However, while deciding the application under Section 5 of the Limitation Act, the Board of Revenue has also admitted the review application, which is illegal.

5. Under Section 51 of the CG Land Revenue Code,1959, it is provided that the Board and every other Revenue Officer may either on its own motion or on the application of any party interested review any order passed by itself or by its predecessors provided that if the Commissioner, Settlement Commissioner, Collector or Settlement Officer thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the Board, and if an officer subordinate to a Collector or Settlement Officer proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction in writing of the authority to whom he is immediately subordinate.

6. The argument raised by learned counsel for the petitioners is based on this provision that before granting sanction for review, the petitioners should have been heard for that specific purpose.

7. Having perused the provisions and considering the facts and

circumstances of the case, it would manifest that the present is not a case where initial order was passed by some other subordinate revenue authority and the same is sought to be reviewed for which sanction of the Board is required. In the case at hand, the order under review was passed by the Board itself, therefore, no sanction is required; if the Board proposes to review its own order, there is no legal impediment in admitting the review application.

8. The judgment relied by learned counsel for the petitioners in the matter of **Pt. Banarsi Dass Bhanot Vs. Shri Devi Shankar and others** {1966 MPLJ 1092} has no application in the facts and circumstances of the present case.

9. For the foregoing, both the writ petitions being devoid of any substance deserve to be and are hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve