

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2578 of 2016**

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

---- Petitioner**Versus**

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

---- Respondents

For Petitioner	:	Shri MK Sinha, Advocate
For Respondents-State	:	Shri Arun Sao, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****20/10/2016**

1. Challenge in this petition is to the order passed by the Sub Divisional Officer (Revenue) Raigarh permitting Tehsildar, Pusaur to review its own order by which mutation was directed in petitioner's favour.
2. There is no dispute about the legal position that the Sub Divisional Officer (Revenue) has exercised the power under Section 51 of the Chhattisgarh 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.

3. This Court in WPC No.1422/2015 decided on 1.10.2015 and in WPC No.1243/2016 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 **Biharilal v. State of M.P. and connected matters** reported in **{2010 (2) MPHT 115 (DB)}**.
4. 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.
5. 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 four (4) months from today.
6. 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 petition is accordingly disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Ashu