

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2635 of 2016

- Arun Kumar Modi, son of late Shri Ram Prasad Modi, aged around 63 years, resident of Palace Road, Gaddi Chowk, Raigarh, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Department of Revenue, Secretariat Office, Mahanadi Bhavan, Naya Raipur, Mandir Hasod, District Raipur (CG)
2. District Collector, Collectorate, Janjgir-Champa (CG)
3. Sub Division Officer (Revenue), Dabhra, District Janjgir-Champa (CG)
4. Tahsildar, Dabhra, District Janjgir-Champa (CG)

---- Respondent

For Petitioner : Shri Hari Agrawal, Advocate.
For Respondents : Shri A.S. Kachhawha, Additional AG.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2016

1. Challenge in this petition is to the order passed by the Sub Divisional Officer (Revenue), Dabhra, permitting Tehsildar, Dabhra 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 Vs. 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) Dabhra on 20.4.2015 and the subsequent order passed by the Tehsildar on 15.5.2015 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 petitioner within a period of 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)