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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2826 of 2016**

1. Neharu S/o Shri Karamsay Aged About 30 Years R/o Village- Kudumkela, Tahsil- Gharghoda, District- Raigarh, Chhattisgarh
2. Ninaso D/o Karamsay Aged About 35 Years R/o Village- Kudumkela, Tahsil- Gharghoda, District-Raigarh (Chhattisgarh)
3. Rajkumari @ Rajmoti D/o Sahanu Aged About 32 Years R/o Village- Kudumkela, Tahsil- Gharghoda, District-Raigarh (Chhattisgarh)
4. Budhwari D/o Maharu Aged About 60 Years R/o Village- Kudumkela, Tahsil- Gharghoda, District-Raigarh (Chhattisgarh)
5. Budhram S/o Maharu Aged About 55 Years R/o Village- Kudumkela, Tahsil- Gharghoda, District Raigarh, Civil And Revenue District- Raigarh, Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh Through Collector, Raigarh, District Raigarh (Chhattisgarh).
2. Sub Divisional Officer (Revenue), Gharghoda, District Raigarh, Chhattisgarh
3. Nayab Tahsildar, Gharghoda, District- Raigarh, Chhattisgarh
4. Chhedu Ram S/o Aghanu Ram Aged About 65 Years R/o Village- Kudumkela, Tahsil- Gharghoda, District- Raigarh, Chhattisgarh

---- Respondents

For Petitioners	:	Shri MK Sinha, Advocate
For Respondents-State	:	Shri Ramakant Mishra, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/11/2016**

1. Challenge in this writ petition is to the orders passed by the Sub Divisional Officer (Revenue) Garghoda permitting Tehsildar, Gharghoda to review its own order by which mutation was directed in petitioners' favour on 20.05.2015.
2. There is no dispute about the legal position that the Sub Divisional Officer (Revenue) has exercised the power under Section 51 of the CG 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 (Smt. Komal Agrawal Vs. State of CG & Others) 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 the matter of Biharilal Vs. State of M.P. and connected matters {2010 (2) MPHT 115 (DB)}.
4. The matter in issue being identical, the impugned order passed by the Sub Divisional Officer (Revenue) Gharghoda and the subsequent order passed by the Tehsildar on 21.9.2015 are set aside. The matter is remitted back to the Sub Divisional Officer (Revenue) Gharghoda 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 4 months from today. 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 reopening of the matter, the Tehsildar shall proceed to decide the matter strictly in accordance with law.
6. The Writ Petition is accordingly disposed of.

Sd/-

Judge
(Prashant Kumar Mishra)

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