

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 104 of 2016

- Pawan Sharma S/o Shri Ramawatar Sharma Aged About 40 Years R/o Gaushala Road, Raigarh, Tehsil And District Raigarh, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasod, District Raipur (Chhattisgarh).
- District Collector, Collectorate, Janjgir-Champa (Chhattisgarh)
- Sub-Divisional Officer (Revenue), Dabhra, District Janjgir-Champa (Chhattisgarh)
- Tahsildar, Dabhra, District Janjgir-Champa (Chhattisgarh)
- Shri A. K. Upadhyay, Tahsildar, Dabhra, District Janjgir - Champa (Chhattisgarh)

---- Respondent

And

WPC No. 108 Of 2016

- Smt. Khushbu Agrawal W/o Shri Akhil Agrawal, Aged About 29 Years R/o Aasharam Trading, Subhash Chowk, Raigarh, Tehsil And District Raigarh Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Thorugh Secretary, Department Of Revenue Mahanadi Bhawan, Mantralaya Naya Raipur, Mandir Hasod, District Raipur Chhattisgarh
- District Collector, Collectorate, Janjgir Champa (Chhattisgarh)
- Sub Divisional Officer (Revenue), Dabhra, District Janjgir Champa (Chhattisgarh)
- Tahsildar, Dabhra, District Janjgir Champa (Chhattisgarh)
- Shri A. K. Upadhyay, Tahsildar, Dabhra, Dist. Janjgir Champa (Chhattisgarh)

---- Respondent

And

WPC No.109 Of 2016

- Ravi Kumar Sharma S/o Shri Ratan Sharma, Aged About 29 Years R/o Bhanupratap Colony, Madhuban Para, Near Filter Plant, Raigarh, Tehsil And District Raigarh Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasod, District Raipur (Chhattisgarh)
- District Collector, Collectorate, Janjgir Champa (Chhattisgarh)
- Sub Divisional Officer (Revenue), Dabhra, District Janjgir Champa (Chhattisgarh)
- Tahsildar, Dabhra, District Janjgir Champa (Chhattisgarh)
- Shri A. K. Upadhyay, Tahsildar, Dabhra, Dist. Janjgir Champa (Chhattisgarh)

---- Respondent

And

WPC No.107 Of 2016

- Dayaram Agrawal S/o Late Shri Jagannath Agrawal, Aged About 64 Years R/o Subash Chowk, Raigarh, Tehsil And District Raigarh, Chhattisgarh.

---- Petitioner

Vs

- State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasod, District Raipur (Chhattisgarh)
- District Collector, Collectorate, Janjgir Champa (Chhattisgarh)
- Sub Divisional Officer (Revenue), Dabhra, District Janjgir Champa (Chhattisgarh)
- Tahsildar, Dabhra, District Janjgir Champa (Chhattisgarh)
- Shri A. K. Upadhyay, Tahsildar, Dabhra, Dist. Janjgir Champa (Chhattisgarh)

---- Respondents

For Petitioner : Shri Amrito Das, Advocate
For Respondent/State : Shri R. K. Gupta, Dy.AG

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/12/2016

The challenge to the impugned order by which, respondent No.3 granted permission to Tahsildar to review its order followed by impugned order dated 25/05/15 passed by respondent No.4 is assailed on the sole ground that the said exercise has been undertaken without issuing notice to the petitioner and without affording opportunity of hearing.

2. On the last date of hearing, learned State counsel was granted time to make his submission.

Today, State counsel submits that the grounds on which review has been sought are not valid. Therefore, only on this technical ground, the petitioner is not entitled to any relief.

3. The issue whether issuance of notice would be necessary to the party in whose favour the order, sought to be reviewed, was passed need not detain this Court any longer because principles of natural justice has been violated. The order which was sought to be reviewed and in respect of which permission was obtained from SDO was admittedly passed in favour of the petitioner. Therefore, exercise of review undertaken under Section 51 of the Land Revenue Code necessarily requires notices to be issued to the petitioner.

In taking this view, I am supported by the order passed by the Division Bench of the High Court of Madhya Pradesh in the case of **Biharilal v. State of M.P. And others and connected matter, 2010 (2) MPHT 115 (DB)** and another order of the Division Bench in the Case of ***Shaheed Anwar v. Board of***

Revenue and another, 2000 RN 76.

4. In view of the above, impugned orders cannot be sustained in law and are set aside. The concerned authority however shall be at liberty to initiate fresh proceedings after affording proper opportunity of hearing to the petitioner. The petition is accordingly allowed.

SD/-
(Manindra Mohan Shrivastava)
Judge