

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 134 of 2016**

- Thakur Yashwant Singh S/o Late Shri Madanmohan Singh, Aged About 50 Years R/o New Shanker, Behind Dairy, Raigarh, Tehsil And District Raigarh, (Chhattisgarh).

---- **Petitioner****Versus**

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

---- **Respondent****And****WPC No. 135 Of 2016**

- Ku. Akansha Sharma D/o Shri Pradeep Sharma, Aged About 23 Years R/o Ward No. 6, Mohlaibhanta, Katghora, Tehsil And Thana Katghora, District Korba, (Chhattisgarh).

---- **Petitioner****Vs**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasod, District Raipur (Chhattisgarh).
2. District Collector, Collectorate, Janjgir-Champa (Chhattisgarh)

3. Sub-Divisional Officer (Revenue), Dabhra, District Janjgir-Champa (Chhattisgarh)
4. Tahsildar, Dabhra, District Janjgir-Champa (Chhattisgarh).
5. Shri A. K. Upadhyay, Tahsildar, Dabhra, District Janjgir - Champa (Chhattisgarh)

---- Respondent

For Petitioners : Shri Amrito Das, Advocate.

For Respondent/State : Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/12/2016

1. The challenge to the impugned order by which, respondent No.3 granted permission to Tahsildar to review its order followed by impugned order dated 25.5.2015 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. Learned State counsel submits that the grounds on which review has been sought are not valid. Therefore, only on this technical ground, the petitioners are 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.

4. 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**.
5. 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.
6. The petitions are accordingly allowed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve