NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1128 of 2016

- M. A. Wasim S/o Late Janab M.A. Alim, Aged About 57 Years R/o H.No. 61, Salhewarpara, Sadar- Uttar Ward, Anjuman School Street, Dhamtari, Civil Revenue Distt & Distt. Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. M. A. Fahim S/o Late Janab M.A. Alim, Aged About 60 Years R/o H.No. 61, Salhewarpara, Sadar- Uttar Ward, Anjuman School Street, Dhamtari, Civil Revenue Distt & Distt. Dhamtari (Chhattisgarh)
2. State of Chhattisgarh, Through The Secretary, Revenue Department, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. The Board of Revenue, Circuit Bench At Raipur, Distt. Raipur (Chhattisgarh)
4. The Commissioner, Raipur Division, Raipur (Chhattisgarh)
5. The Collector/ Upper- Collector, Dhamtari, Distt. Dhamtari (Chhattisgarh)
6. Sub Division Officer (R), Dhamtari, District Dhamtari, Chhattisgarh.
7. The Tahsildar (Nazul), Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri JA Lohani, Advocate
For Respondent No.1	:	Shri Adil Minhaj, Advocate
For Respondents-State	:	Ms. K. Tripti Rao, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

02/12/2016

1. The dispute between the parties pertains to correction of the entry of the petitioner or the respondent in the demand notice of property tax issued by the Additional Tehsildar, Dhamtari during recovery of land revenue.

2. Without entering into the merits of the case, suffice it would be to mention

that when the matter traveled to the appellate authority i.e. the Additional Collector, Dhamtari the revision application preferred by the respondent was allowed on 11.08.2015 against which the petitioner preferred a revision application before the Commissioner, Raipur Division, Raipur. The said Commissioner allowed the revision application even without issuing notice to the respondent, therefore, the respondent preferred a revision application before the Board of Revenue, who has passed the impugned order but this time the Board of Revenue committed similar mistake by passing final order in the revision application without issuing notice to the petitioner.

3. Since the Commissioner as well as the Board of Revenue have passed the orders without notice to the opposite parties, both the orders are set aside having been passed in violation of principles of natural justice and the matter is remitted back to the Commissioner, Raipur Division, Raipur to hear the revision application preferred by the petitioner afresh on its own merits after giving opportunity of hearing to both the parties. Let the parties appear before the Commissioner, Raipur Division, Raipur on 19th December, 2016.

4. The writ petition stands finally disposed of.

Sd/-

Judge

Prashant Kumar Mishra

Ashu