

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 57 of 2017**

- Chhattisgarh Grih Nirman Mandal Through Executive Engineer, Division-1, Shankar Nagar, Raipur, Distt. Raipur, Chhattisgarh .....(Respondent No.4)

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

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Naya Raipur, Distt. Raipur, Chhattisgarh
2. Collector, Raipur, Distt. Raipur, Chhattisgarh
3. Sub Divisional Officer Cum Land Acquisition Officer, Raipur, Distt. Raipur, Chhattisgarh .....(Respondent No. 1 To 3)
4. Beni Ram Sahu S/o Hemlal, Aged About 45 Years R/o Dumar Talab, Mahoba Bazar, P.S. Amanaka, Raipur, Distt. Raipur, Chhattisgarh ..... (Petitioner)

---- **Respondent**


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| For Applicant          | : | Shri Sanjay Patel, Advocate.    |
| For Respondents 1 to 3 | : | Shri V.B.Singh, Panel Lawyer.   |
| For Respondent No.4    | : | Shri Sushobhit Singh, Advocate. |

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**Hon'ble Shri Justice Sanjay Agrawal****Order On Board****12/05/2017**

Heard on admission.

2. This is a review petition filed by the petitioner Chhattisgarh Grih Nirman Mandal, who was respondent No.4 in the original writ petition bearing W.P(C) No.1226/2015 by questioning the order dated 20.01.2017 mainly on the ground that the said order has been passed without hearing him, therefore, the same deserves to be set aside.

3. Learned counsel for the respondents, on the other hand, submitted that the petitioner/respondent No.4 has no locus even to question the order as passed by this Court on 20.01.2017, therefore, this review petition deserves to be dismissed.

4. I have heard learned counsel for the parties and perused the entire record including the order sheets of the writ petition, i.e., W.P.(C) No.1226/2015.

5. Perusal of the entire order sheets would reveal that respondent No.4/ Chhattisgarh Grih Nirman Mandal, though impleaded as respondent, but was not noticed even after the admission of the writ petition on 28.03.2016. The said order sheet dated 28.03.2016 would reveal further that after the admission of the said writ petition, the matter was directed to be listed for final hearing and thereafter, it was listed as such from time to time and ultimately, disposed of finally by order impugned dated 20.01.2017 with a direction to the State Government to initiate the acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This Court has directed further that the entire proceedings be completed within a period of 6 months from the date of the order.

6. After passing of the aforesaid order, the present petitioner had received a letter dated 27.03.2017, by which, the Land Acquisition Officer, Raipur, while furnishing the copy of the said order, informed the petitioner with regard to the direction as contained in the said order.

7. Immediately upon knowing the aforesaid fact, the petitioner has filed this petition on 27.04.2017.

8. Since the order impugned has been passed without hearing the petitioner, who was one of the respondents in the original writ petition, therefore, the order impugned dated 20.01.2017, under such circumstances, deserves to be and is hereby set aside.

9. In view of above facts and circumstances, the review petition is allowed and the order impugned is set aside. The writ petition is accordingly restored to its original number for its re-hearing. Parties are directed to appear in the said writ petition, i.e., W.P.(C) No.1226/2015. The Registry is directed to mention the names of all parties and their respective counsels in the cause list while listing the case, immediately after the summer vacation. No order as to costs.

Sd/-

**(Sanjay Agrawal)**  
Judge