

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 2754 of 2008**

Raghubir Singh (Dead) Through Lrs -

- 1. (a)** Paramjeet Singh Aged about 50 years, S/o Late Raghuveer Singh S/o Late Raghuveer Singh, R/o Ganga Nagar Ward, Jagdalpur, District- Bastar, Chhattisgarh
- 1. (b)** Omkar Singh Aged about 50 years, S/o Late Raghuveer Singh R/o Ganga Nagar Ward, Jagdalpur, District Bastar, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through: The Secretary, Revenue Department, Mantralaya, Raipur, Chhattisgarh
2. The Commissioner, Bastar Division, Jagdalpur, Chhattisgarh.
3. The Sub- Divisional Officer (Revenue) Jagdalpur, District- Bastar, Chhattisgarh

---- Respondents

For Petitioners	: Mr. Keshav Dewangan, Advocate.
For Respondents/ State	: Mr. Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/10/17**

This writ petition has been directed against the order dated 16.02.2006 passed by the State Government affirming the order of the Additional Commissioner dated 19.06.2001 and the order of SDO dated 28.02.1994.

2. Learned counsel appearing on behalf of the petitioner would submit that the patta granted to the petitioner was cancelled by the SDO in exercise of suo-moto revisional jurisdiction without affording any opportunity of

hearing to the petitioner which has been affirmed by the Additional Commissioner and State Government and the SDO cannot exercise any power under Section 50 of the Land Revenue Code.

3. Mr. Dhiraj Wankhede, learned State Counsel would submit that the patta was granted to the petitioner and the SDO was authorised for suo-moto revisional jurisdiction pursuant to the order of the Collector dated 20.05.1980 and the petitioner avoided the service of notice and as such the impugned order is supportable in law and the writ petition deserves to be dismissed.

4. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records carefully.

5. The SDO issued notice to the petitioner on 29.05.1993 which was not served till 11.06.1993. On that day again, notice was directed to be issued but it appears no notice was served and straightaway the order dated 28.02.1994 came to be passed revoking the lease/patta granted to the petitioner which is clearly unsustainable and bad in law and that has been affirmed by the Additional Commissioner as well as by the State Government.

6. Since the impugned order of SDO was passed without hearing the petitioner and without affording him any opportunity of hearing, therefore, the order dated 28.02.1994 and subsequent orders of Additional Commissioner and the State Government are hereby set aside. The matter be remitted to the Collector, Jagdalpur to hear and pass an order after hearing the petitioner and other affected parties within a period of three months from the date of receipt of copy of this order. Parties are directed to appear before the Collector, Jagdalpur on 06.11.2017.

7. The writ petition is allowed to the extent indicated herein above. No order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge

