

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1992 of 2016**

Narmada Bai Wd/o Late Mahettar Shriwas, Aged About 70 Years R/o Janjgir, Tahsil Police Station & Post Janjgir, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh
2. Collector, Janjgir Champa, District Janjgir Champa Chhattisgarh
3. Tahsildar, Janjgir, Tahsil Janjgir, District Janjgir Champa Chhattisgarh

---- Respondents**And****WPC No. 1136 Of 2016**

Smt. Rajkumari Shriwas @ Rajkumari W/o Shobharam, Aged About 55 Years R/o Janjgir, Tahsil, Police Station & Post Janjgir, Civil And Revenue District Janjgir Champa, (Chhattisgarh)

---- Petitioner**Vs**

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Collector, Janjgir Champa, District Janjgir Champa, (Chhattisgarh)
3. Tahsildar, Janjgir, Tahsil Janjgir, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioners : Shri Manoj Paranjpe, Advocate.
For State : Shri Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/07/2017**

(1) By order dated 18.01.2010, the Board of Revenue allowed the revision filed by the petitioner. On 05.09.2011, an application for review was filed by the State, that was allowed by the Board of Revenue on 05.03.2016 and not only

order dated 18.01.2010 was recalled but the petitioner's original application has been dismissed and the land has been directed to be recorded in the State Government, against which the instant writ petition has been filed questioning the same.

(2) Learned counsel for the petitioner submits that once the review application filed by the State authorities has been allowed by the Board of Revenue and recalled the order dated 18.1.2010, the original application cannot be set aside in the review petition itself and parties would have been heard on merits.

(3) Per contra, Counsel for the State opposes the writ petition and submits that the Order impugned passed by the Board of Revenue is strictly in accordance with law.

(4) I have heard learned counsel for the parties and perused the Order impugned with utmost circumspection.

(5) Once the review application filed by the State Authorities has been allowed by the Board of Revenue and recalled the order dated 18.1.2010, the original application could not have been dismissed on merits and the parties would have been heard on merits, therefore, the impugned order is liable to be set aside.

(6) Accordingly, the writ petition is allowed. The impugned Order dated 05.03.2016 passed by the Board of Revenue is set aside. The matter is remitted back to the Board of Revenue for hearing and disposal in accordance with law expeditiously on the original application.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-