

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 668 of 2018**

Ajay Gupta S/o Purshottama Gupta, aged about 59 years, R/o Gole Bazar,
Raipur, Tahsil and District Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Collector, District Janjgir Champa (C.G.)
3. The Sub-Divisional Officer (Revenue), Dabhara, District Janjgir Champa (C.G.)
4. The Tahsildar, Dabhara, District Janjgir Champa (C.G.)

---- Respondents

For Petitioner	:	Mr. H. S. Patel, Advocate.
For Respondents / State	:	Mr. D. R. Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/04/18**

1. Learned counsel appearing for the parties would jointly submit that this matter is covered by the decision rendered by this Court in WPC No. 1237 of 2016 in *Smt. Darshana Devi v. State of Chhattisgarh*, decided on 10.05.2016, in which this Court has observed as under :-

“4. 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.

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**¹ and another order of the Division Bench in the case of **Shaheed Anwar v. Board of Revenue and another**².

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 petition is accordingly allowed.”

2. In view of the above, this writ petition is also disposed of and the impugned orders dated 23.03.2015 and 15.04.2015 (Annexure – P/1) are hereby set aside. However, the respondents would be at liberty to proceed further in accordance with law.

3. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

Priyanka

1 2010 (2) MPHT 115 (DB)

2 2000 RN 76