

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 998 of 2018**

Rishi Agrawal, S/o Subhash Agrawal, aged about 25 years, occupation Agriculture, R/o village Dhurkot, PS & Tahsil Dabhra, District Janjgir-Champa (C.G.)

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

1. State of Chhattisgarh, Through the Secretary Department of Revenue & Disaster Management, Ministry, Mahanadi Bhawan, Naya Raipur, PO & PS Rakhi, District Raipur (C.G.)
2. District Collector, Janjgir, Collectorate Janjgir, District Janjgir-Champa (C.G.)
3. Sub-Divisional Officer (Revenue), Dabhra, District Janjgir-Champa (C.G.)
4. Tahsildar, Dabhra, District Janjgir-Champa (C.G.)

**---- Respondents****Writ Petition (C) No. 1163 of 2018**

Vidyadhar Patel, S/o Ugrasen Patel, aged about 41 years, R/o Ward No. 41, Chhatamuda, Tahsil Pusour, District – Raigarh (C.G.)

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

1. State of Chhattisgarh, Through the Secretary Department of Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (C.G.)
2. Collector, Janjgir-Champa, District Janjgir Champa (C.G.)
3. Sub Divisional Officer (Revenue), Dabhra, District Janjgir-Champa (C.G.)
4. Tahsildar, Dabhra, District Janjgir-Champa (C.G.)

**---- Respondents**

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|----------------|---|-----------------------------------------------------|
| For Petitioner | : | Shri Banhiman Roy, Advocate in WPC No.998 / 2018    |
| For Petitioner | : | Shri Avadhesh Mishra, Advocate in WPC No.1163/2018. |
| For State      | : | Shri Ratan Pusty, Govt. Advocate.                   |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**07/05/2018**

(1) Learned counsel appearing for the parties jointly submit that the issue raised in this batch of writ petition is squarely covered with the decision rendered by the coordinate bench of this Court in Writ Petition (C) No. 51 of 2016 (**Pradeep Sharma Vs. State of Chhattisgarh & others**), decided on 24.02.2016, therefore, this batch of writ petition may be disposed of in terms of paragraphs 4 & 5 of the aforesaid order, which read 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 Madhya Pradesh and others and connected matter, 2010 (2) MPHT 115 (DB)** and another order of the Division Bench in the case of **Shaheed Anwar Vs. Board of Revenue and another, 2000 RN 76**.

5. In view of 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.”

(2) In view of above, the writ petitions are allowed. Impugned order dated 15.05.2015 passed by Tahsildar, Dabhra in WPC No. 998/2018 is set aside *whereas* Impugned order dated 15.05.2015 passed by Tahsildar, Dabhra in WPC No. 1163/2018 is also set aside. The competent authority will be at liberty to proceed in accordance with law.

(3) Certified copy, as per rules.

Sd/-

**(Sanjay K. Agrawal)**  
Judge

D/-