

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 409 of 2014**

M/s. Amber Commondeal Pvt. Ltd., through: its Director, Sajjan Kumar Agrawal, S/o Late Lakhiramji Agrawal, aged about 47 years, R/o. Vidyanagar Bilaspur, Police Station and Post Bilaspur, Civil and Revenue District Bilaspur (C.G.)

---- Petitioner

Versus

1. Rameshwar Prasad Shukla, S/o. Jagdish Prasad Shukla, aged about 68 years, R/o. Kargiroad, Kota, At present R/o. Kududand, Bilaspur, Police Station and Post Bilaspur, Civil and Revenue District Bilaspur (C.G.)
2. Girjabai, W/o. Maheshanand, aged about 65 years, R/o. Gondpara, Bilaspur, Police Station and Post Bilaspur, Civil and Revenue District Bilaspur (C.G.)
3. Shivkumar, S/o. Madhoprasad Baheliya, aged about 72 years, R/o. Talapara, Bilaspur Police Station and Post Bilaspur, Civil and Revenue District Bilaspur (C.G.)
4. State of Chhattisgarh, through: Collector, Bilaspur, District Bilaspur (C.G.)
5. Commissioner, Bilaspur Division, Bilaspur, District Bilaspur (C.G.)
6. Collector, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner : Mr. Manoj Paranjpe, Advocate. .
 For Respondents No. 1 to 3 : Mr. Keshav Dewangan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/08/2018

(1) The Sub Divisional Officer passed an order dated 31.03.1998 holding that the land has been reverted to the member of aboriginal tribe i.e. Revtibai. Against that order, respondent No.1 filed an appeal before the Collector. The Collector, vide order dated 31.10.2001, has dismissed the appeal as abated on 31.10.2001. It is the case of the petitioner that he has purchased the suit property vide registered sale deed dated

23.12.20014 from Sukhnandan Netam and the said registered sale deed is still in existence. But the Commissioner has allowed the revision on 26.11.2008 without giving opportunity of hearing to the petitioner, even without noticing him, which is in violation of principles of natural justice. Questioning the order of Commissioner, instant writ petition has been filed questioning the same.

(2) I have heard learned counsel appearing for the petitioner and perused the order impugned with utmost circumspection.

(3) Admittedly, the petitioner has purchased the suit property after dismissal of the appeal by the Collector on 23.12.2004 and he is said to have obtained possession of the suit property and, therefore, learned Commissioner, while deciding the revision filed by respondent No.1, ought to have afforded opportunity of hearing to the petitioner, which has not been done and, therefore, the impugned order is liable to be set aside.

(4) In view of above, the impugned order dated 26.11.2008 is set aside. The matter is remitted to the Commissioner, in which the petitioner will also be impleaded as affected party. Matter will be considered and decided afresh by the Commissioner within a period of three months from the date of receipt of certified copy of this order.

(5) The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

