

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2503 of 2018

- Balbhadra Singh S/o Late Ayodhya Singh Aged About 75 Years
R/o Village Bandhapali, Tahsil Dharamjaigarh, District Raigarh
Civil And Revenue District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Department,
Mahanadi Bhavan, Mantralay, New Raipur, Chhattisgarh
2. Collector, Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri Ashutosh Mishra, Advocate
Shri Sameer Beher, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

12/09/2018

1. Petitioner would contend that while setting aside the order cancelling the lease issued in his favour on the ground of alleged violation of the terms of the lease, the Collector, Raigarh has not issued any show cause notice nor any opportunity of hearing in any other form has been afforded to him.
2. A plain reading of the cause title and the contents of the order would indicate that the proceeding was initiated by the Collector, Raigarh against Kushal Singh, Hulesh Singh, Sahodra Bai and Lekhni Bai and not against the petitioner Balbhadra Singh. Even though in operative part of the order, the lease granted in favour of the petitioner has been cancelled and the land has been

directed to be vested in the State.

3. It is trite law that no order having civil consequences can be passed without affording opportunity of hearing to the affected party. (See : **State of Punjab & Ors. v. Senior Vocational Staff Masters Association & Ors., reported in AIR 2017 SC 4072**)).
4. In view of the apparent violation of principle of natural justice, instead of keeping this petition pending, I deem it appropriate to quash the impugned order at this stage and remit the matter back to the Collector, Raigarh for passing fresh orders after affording opportunity of hearing to the petitioner. Let the Collector, Raigarh issue notice to the petitioner within a period of 1 month from today and thereafter complete the proceedings within next 6 months.
5. The writ petition stands allowed to the extent indicated above.

Sd/-
Prashant Kumar Mishra
Judge