

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 904 of 2019**

1. Guruprasad Nayak S/o Shri Babulal Aged About 52 Years
R/o Village Salhepali, Post Ruchida, District Bargarh Odisha.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Ministry, Mahanadi Bhawan, Naya Raipur, P O And P S Rakhi, District Raipur Chhattisgarh.
2. District Collector Janjgir Champa, District Janjgir Champa Chhattisgarh.
3. Sub-Divisional Officer (Revenue) Dabhara, District Janjgir Champa Chhattisgarh.
4. Tahsildar Dabhara, District Janjgir-Champa Chhattisgarh.

---- Respondent

For Petitioner	Shri Harsh Wardhan & Shri Shreyankar Nandey, Advocates
For Respondent/State	Shri Rajesh Singh, Dy. Govt. Adv.

Order On Board**By****Prashant Kumar Mishra, J.****12/03/2019**

- 1) Learned counsel appearing for the parties jointly submit that the issue raised in this 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 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 petition is allowed. Impugned order dated 15.05.2015 passed by Tahsildar, Dabhra is set aside. The competent authority will be at liberty to proceed in accordance with law.

3) Certified copy, as per rules.

Sd/-

Judge
Prashant Kumar Mishra

Gowri