

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1116 of 2019

- Rashmi Agrawal W/o Shri Anand Kumar Agrawal Aged About 45 Years R/o Village Opposite Sanjay Complex, Raigarh, Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue and Disaster Management, Ministry, Mahanandi Bhawan, Naya Raipur P.O. and Rakhi District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. District Collector, Janjgir Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. The Sub Divisional Officer @, Dabhra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Tahsildar Dabhra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri Priyanshu Gupta, Advocate
Shri Rahul Jha, GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

25/03/2019

1. Learned counsel appearing for the parties would jointly submit that the issue raised in this writ petition is squarely covered by the decision rendered by the Coordinate Bench of this Court in **WPC 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. The impugned order dated 15.05.2015 passed by the Tahsildar, Dabhra is set aside. The competent authority will be at liberty to proceed in accordance with law.

Sd/-
(Prashant Kumar Mishra)
Judge

Nirala