

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1655 of 2019**

Smt. Sajan Bai Sethitya (Dead), Through Her Legal Heirs Namely :-

1. Smt. Sandhya Jain, D/o. Late Shri Phool Chand Sethiya, Aged About 62 Years.
2. Smt. Kalpana Karnawat, W/o. Late Shri Suresh Karnawat, Aged About 60 Years.
3. Smt. Pushpa Jain, W/o. Shri Rajesh Kuma Jain, Aged About 55 Years.

All R/o. 10, Near J.J. Nursing Home, Malviya Nagar Durg, Police Station Mohan Nagar, Durg Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. The Collector, District Raipur, Chhattisgarh.
3. The Sub Divisional Officer (Revenue) Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri S.S. Rajput with Shri J.P. Pandey, Advocates
For Respondents/State	:	Shri Rajesh Singh, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

08.05.2019

Heard.

1. The present petition is filed for the following reliefs:-

“10.1. That Hon'ble Court may kindly be pleased to call the entire records from the Court below relating to the case of the petitioners.

10.2. That this Hon'ble Court may kindly be pleased to issue a writ of mandamus and set-aside / quash the above said proceeding of changing the revenue records B-1 khasra pertaining to the land of the mother of petitioners as Shamilat Charagan.

10.3. Any other relief, which Hon'ble Court deems fit and proper in the circumstances of the case and petition, may kindly be allowed with costs.”

2. Learned counsel for the petitioners would submit that the petitioners had purchased a land situated at village Deopuri, Tahsil & District Raipur in the year 1987 and subsequent to such purchase the name of the petitioners were entered in the Khasra Panchshala revenue record and in the B-1 the possession of the petitioners was recorded, which was continued. He would further submit that all of a sudden without any hearing, in the Khasra Panchshala for the land bearing Khasra No.318/1-3 changed No.318/14 & 318/15 in the remark column, it was shown to be a government grass land on the basis of orders passed in some revenue case. He would further submit that before such name is being deleted from the revenue record, the petitioners should have been at least heard and behind the back of the petitioners without any reference or hearing their name could not be deleted. He would further submit that since it has been declared as grass land, the right of the petitioners have been taken away, without giving any opportunity of hearing as such it amounts to illegality.
3. Per contra, learned State counsel submits that the order impugned is well merited which was passed on the basis of a revenue case and it do not call for any interference.
4. I have heard learned counsel for the parties and perused the record.
5. Prima facie, it appears that no opportunity of hearing was given to the petitioners before such mutation entries showing the petitioners as owner was deleted. If the petitioners had purchased the land and thereafter were recorded as a Bhumiswami for the said land, the name of the petitioners could not have been deleted/struck off from the ownership behind their back without giving any opportunity of hearing. Not giving opportunity of hearing to the petitioners, it would amount to defeating the rules of natural justice as necessarily the right of the petitioners was protected under Article 300- A of the Constitution of India. The revenue authorities, therefore, are duty bound

to give opportunity of hearing to the petitioners to hear their cause and without giving any opportunity of hearing if the name is deleted naturally it would affect the right of the petitioners. The petitioners have filed certain documents to show that the land was never recorded as a grass land in past. Those documents are to be considered by the revenue authorities if the hearing is given. Under the circumstances it is directed that the SDO shall give opportunity of hearing to the petitioners and shall also consider the various documents which may be filed during the hearing and thereafter shall pass the reasonable order accordingly. The petitioners shall appear before the concerned SDO on 28th of June, 2019, thereafter the SDO shall proceed in the matter to hear the case and pass suitable orders.

6. Accordingly, the petition is allowed.

Sd/-
Goutam Bhaduri
Judge

Aks