

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1859 of 2019

- Madhusudan S/o Anil Agrawal Aged About 34 Years
Occupation Business, R/o Village Krishna Vihar, Tahsil
Raigarh, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of
Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur,
Mandir Hasod, District Raipur Chhattisgarh.
2. District Collector Collectorate, Janjgir-Champa Chhattisgarh.
3. Sub-Divisional Officer (Revenue) Cum Land Acquisition
Officer Dabhra, District Janjgir-Champa Chhattisgarh.
4. Tahsildar Dabhra, District Janjgir-Champa Chhattisgarh.

---- Respondents

WPC No. 1862 of 2019

- Ashish Sharma S/o Shri Shabsikant Sharma Aged About 28
Years Occupation-Farmer, R/o Village-Kelo Vihar, Tehsil
Raigarh, District-Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of
Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur,
Mandir Hasod, District Raipur Chhattisgarh

WPC No. 1859 of 2019
and other connected matters

2. District Collector Collectorate, Janjgir Champa Chhattisgarh.
3. Sub-Divisional Officer(Revenue) Cum Land Acquisition Officer, Dabhra, District Janjgir-Champa Chhattisgarh.
4. Tahsildar Dabhra, District Janjgir Champa Chhattisgarh.

---- Respondents

WPC No. 1870 of 2019

- Minor Saksham Agrawal Through Its Legal Heir Father Mukesh Agrawal Aged About 5 Years Occupation R/o Village-Kelo Vihar, Tehsil Raigarh District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasod District Raipur Chhattisgarh.
2. District Collector Collectorate, Janjgir Champa Chhattisgarh.
3. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Dabhra, District Janjgir Champa Chhattisgarh.
4. Tahsildar, Dabhra District Janjgir Champa Chhattisgarh.

---- Respondents

WPC No. 1877 of 2019

- Ashish Beriwal S/o Shri Natwar Beriwal Aged About 33 Years Occupation-Business, R/o Village-Dani Para, Tehsil-

Raigarh, District-Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue, Mahanadi Bhawan, Mantralaya Naya Raipur, Mandir Hasod District Raipur Chhattisgarh.
2. District Collector, Collectorate, Janjgir Champa Chhattisgarh.
3. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Dabhra, District Janjgir Champa Chhattisgarh.
4. Tahsildar Dabhra, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioners	:-	Shri Soumya Rai, Advocate
For Respondent-State	:-	Shri Rajul Jha, GA

Order On Board By

Hon'ble Justice Shri Prashant Kumar Mishra

21/06/2019

1. Heard.
2. The challenge is to the impugned order by which Sub Divisional Officer (Revenue)/respondent No.3 has granted permission to the Tahsildar to review its earlier order. Pursuant to the impugned order, the Tahsildar has now initiated new proceedings and passed the order also.

3. The order earlier passed by the SDO granting permission to review has been assailed on the sole ground that the said exercise has been undertaken without issuing notice to the petitioners and without affording any opportunity of hearing.
4. Learned counsel for the petitioners submits that the issue raised in these petitions is no longer *res integra*. He submits that in identical matter **WP(C) No.1422 of 2015 vide order dated 01.10.2015**, this Court relying upon the judgment passed by the Division Bench of the High Court of Madhya Pradesh in the case of **Biharilal Vs. State of M.P. and others and connected matter, 2010 (2) MPHT 115 (DB)** and another order of the Division Bench in the case of **Shaheed Anwar v. Board of Revenue and another, 2000 RN 76** has held that the order which was sought to be reviewed and in respect of which permission was obtained from SDO was passed in favour of the petitioners and therefore, exercise of review undertaken under Section 51 of the Land Revenue Code necessarily required notices to be issued to the person in whose favour the order, sought to be reviewed was passed.
5. Learned State Counsel submit that the grounds on which review has been sought are not valid. Therefore, only on this technical ground, the petitioners are not entitled to any

relief.

6. 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 petitioners. Therefore, exercise of review undertaken under Section 51 of the Land Revenue Code necessarily requires notices to be issued to the petitioners.
7. 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 (supra)** and another order of the Division Bench in the case of **Shaheed Anwar (supra)**.
8. In view of the 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 petitioners.
9. The petitions are accordingly allowed.

Sd/-
(Prashant Kumar Mishra)
Judge

Ankit