

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 1996 of 2019**

- Minor Vedika Through Its Legal Heir Aged About 8 Years Father Madhusudan, R/o Village Krishna 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 Dabhara, District Janjgir Champa Chhattisgarh

---- Respondent**WPC No. 1997 of 2019**

- Ashish Beriwal S/o Shri Natwar Beriwal Aged 33 Years Occupation- Business, R/o Village- Dani Para, Tahsil- Raigarh, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgaarh 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.

---- Respondent**WPC No. 1998 of 2019**

- Sunita Katwar W/o Shri R.K. Katwar Aged About 50 Years
Occupation- Housewife, 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

---- Respondent

For Petitioners
For State

Mr. Soumya Rai, Advocate
Mr. Rahul Jha, Government Advocate
and Mr. Sudeep Verma, Dy. GA and

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****18/6/2019**

1. Heard.
2. The challenge is to the impugned order by which Sub Divisional Officer (Revenue)/respondent No.3 has granted permission to the Tehsildar to review its earlier order. Pursuant to the

impugned order, the Tehsildar 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 mater, 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

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