

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2149 of 2017**

- Paramjeet Singh Bhatia S/o Sardar Baldev Singh Bhatia Aged About 64 Years
R/o 49/A Vivekanand Nagar, Raipur, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

For Petitioner : Shri Ramakant Mishra, Advocate

For Respondents/State : Shri Rajesh Singh, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/04/2019**

1. Heard.

2. 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 petitioner.

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 and order of changing the revenue records pertaining to the land of the petitioner 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.”

3. Learned counsel for the petitioner would submit that the petitioner had purchased a land situated at village Deopuri, Tahsil & District Raipur in the year 1987 and subsequent to such purchase the name of the petitioner was entered in the Khasra Panchshala revenue record and in the B-1 the possession of the petitioner 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.318/10 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 petitioner should have been at least heard and behind the back of the petitioner without any reference or hearing his name could not be deleted. He would further submit that since it has been declared as grass land, the right of the petitioner has been taken away, without giving any opportunity of hearing as such it amounts to illegality.
4. 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.
5. I have heard learned counsel for the parties and perused the record.
6. Prima facie, it appears that no opportunity of hearing was given to the petitioner before such mutation entries showing the petitioner as owner was deleted. If the petitioner has purchased the land and thereafter was recorded as a Bhumiswami for the said land, the name of the petitioner could not have been deleted/struck off from the ownership behind his back without giving any opportunity of hearing. Not giving opportunity of hearing to the petitioner, it

would amount to defeating the rules of natural justice as necessarily the right of the petitioner 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 petitioner to hear his cause and without giving any opportunity of hearing if the name is deleted naturally it would affect the right of the petitioner. The petitioner has 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 petitioner and shall also consider the various documents which may be filed during the hearing and thereafter shall pass the reasonable order accordingly. The petitioner 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.

7. Accordingly, the petition is allowed.

Sd/-

Goutam Bhaduri
Judge

Ashu