

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2484 of 2019

1. Itwar Singh S/o Late Shri Dalkhuras Aged About 58 Years Caste Gond, R/o Village Sutarra, Tahsil Poundi- Uproda (Podi Uparoda), District- Korba, Chhattisgarh.
2. Smt. Sushila Bai D/o Shri Itwar Singh Aged About 30 Years Caste Gond, R/o Village Chatuwabhauna, Tahsil Pali, District- Korba, Chhattisgarh.
3. Krishna Lal S/o Shri Itwari Singh Aged About 28 Years Caste Gond, R/o Village Sutarra, Tahsil Poundi-Uproda (Podi Uparoda), District- Korba, Chhattisgarh.
4. Koushiliya D/o Shri Itwar Singh Aged About 24 Years Caste Gond, R/o Village Sutarra, Tahsil Poundi-Uproda (Podi Uparoda), District- Korba, Chhattisgarh.
- Sudhir Kumar S/o Shri Itwar Singh Aged About 22 Years Caste Gond, R/o Village Suttarra, Tahsil Poundi-Uproda (Podi Uparoda), District- Korba, Chhattisgarh.

--- Petitioners

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue, Mahanadi Bhavan, New Raipur, District- Raipur, Chhattisgarh.
2. The Collector District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
3. Tahsildar Tahsil Poundi- Uproda (Podi Uparoda), District- Korba, Chhattisgarh.

--- Respondents

For the Petitioner : Mr. Alok Devangan, Advocate

For the State : Mr. Sudeep Verma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.07.2019

1. The challenge made in this writ petition is to the order dated 01.12.2018 passed by the Court of Tahsildar under section 51 of the land Revenue Code wherein the power of Revenue was exercised and the partition earlier arrived at was cancelled.

2. Learned counsel for the petitioner submits that the said order was passed even without issuing notice or giving chance of hearing to the petitioner. Therefore, in view of the order passed in WPC No.1422/2015 on 01.10.2015 by the coordinate Bench of this Court, the impugned order Annexure P-1 may be set aside. The order passed in WPC No.1422/2015 reads as under:

“The issue as to 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 M.P.***, and connected matters, **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.”**

3. In view of the observations made earlier, as quoted above, the impugned order dated 01.12.2018 (Annexure P-1) shall stand quashed. The authority shall be at liberty to initiate the proceedings afresh after affording proper opportunity of hearing to the petitioner.
4. Accordingly, this petition is allowed.

Sd/-
GOUTAM BHADURI
JUDGE