

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3116 of 2019**

- Alok Bansal S/o Shri Maniram Bansal Agrawal Aged About 39 Years Occupation - Business, R/o Near T V Tower Atarmuda, 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 Petitioner : Shri Soumya Rai, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/09/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner has purchased certain land bearing Khasra No.326/1 situated at village Upani, Tehsil Dabhra, District Janjgir-Champa and the purchase was made in the year 2014. Thereafter, after the purchase was made, the name of the petitioner was mutated by the order of

Tehsildar. Subsequently, the State acquired the said land for the purpose of construction of a bridge. It is contended that though the name of the petitioner was mutated, the Tehsildar sought permission under Section 51 of the Chhattisgarh Land Revenue Code, 1959 to review the order from the SDO and the SDO without notice to the petitioner has allowed the permission so sought, thereby the right of the petitioner was defeated as no opportunity of hearing was given.

3. Learned counsel for the petitioner submits that the issue raised in this petition 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 petitioner 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. He would further submit that the similar issue came for consideration before the co-ordinate Bench of this Court in WPC No.959 of 2016 wherein this Court on 18.04.2016 has passed the similar order and held that without giving opportunity of hearing to the petitioner no review can be passed since the petitioner was a affected party.
4. Per contra, learned State counsel opposes the arguments and submits that the

order-sheet would reflect that the petitioner himself did not appear despite the publication made, therefore, the ex-parte proceedings were drawn.

5. Perused the order-sheet dated 07.05.2015 as also the subsequent order-sheet, which shows that after the publication was made, the petitioner failed to appear as such the ex-parte proceedings were drawn against him. Considering those facts that the petitioner himself did not appear despite the notice made published, I do not find that the submission made by learned counsel for the petitioner can be entertained and also I do not find any reason to entertain the petition at this juncture. Accordingly, the petition is dismissed. However, the petitioner shall be free to challenge the original order, if so advised, as per the law.
6. It is made clear that this Court has not expressed any opinion on the merits of the case as also on the question of limitation.

Sd/-

Goutam Bhaduri
Judge