

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 3085 of 2019**

1. Chandrapal Patel S/o Ratan Singh Aged About 64 Years  
Occupation Agriculture, R/o Village Telipali, Tahsil - Raigarh, District Raigarh Chhattisgarh.
2. Devendra Patel S/o Chandrapal Patel Aged About 41 Years Both are R/o Village Telipali, Tahsil Raigarh, District Raigarh Chhattisgarh.

**---- Petitioners**

### **Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Ministry, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Rakhi, District Raipur Chhattisgarh.
2. District Collector, Janjgir, Collectorate Janjgir, District Janjgir Champa Chhattisgarh.
3. Sub Divisional Officer (Revenue) Dabhra, District Janjgir Champa Chhattisgarh.
4. Tahsildar Dabhra, District Janjgir Champa Chhattisgarh.

**--- Respondents**

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For petitioners – Shri Kamal Kishore Patel, Advocate.  
For State-Shri Amrito Das, Addl. A.G.

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**Hon'ble Shri Justice Goutam Bhaduri**

### **Order**

**06/09/2019**

Heard.

1. Instant petition is against the order dated 23/03/2015 passed by the SDO (R) Dabhra and order dated 13/04/2015 passed by the Tahsildar Dabhra.
2. It is stated that permission to review was granted without hearing the petitioner, therefore the review itself would amount to violation of the natural justice and the issue raised in this writ petition is squarely covered with the decision rendered by the coordinate bench of this Court in Writ Petition (C) No. 51 of 2016 (*Pradeep Sharma Vs. State of Chhattisgarh & others*), decided on 24.02.2016, therefore, this writ petition may be disposed of in terms of paragraphs 4 & 5 of the aforesaid order, which

read as under:-

“4. 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 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 Madhya Pradesh and others and connected matter, 2010 (2) MPHT 115 (DB)*** and another order of the Division Bench in the case of ***Shaheed Anwar Vs. Board of Revenue and another, 2000 RN 76***.

5. In view of 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 petitioner.”

3. In view of the above, the writ petition is allowed. Consequently, the review order dated 13/04/2015 passed by the Tahsildar Dabhra and also order dated 23/03/2015 passed by SDO (R) Dabhra are set aside. The competent authority shall be at liberty to proceed in accordance with law.

Sd/-

(Goutam Bhaduri)

JUDGE