

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2993 of 2019

1. Kanwaldhar Patel, S/o. Late Sardharam Patel, Aged About 70 Years.
2. Hemkumar Patel, S/o. Kanwaldhar Patel, Aged About 48 Years.
3. Devendra Kumar Patel, S/o. Kanwaldhar Patel, Aged About 43 Years.

All are R/o. Village Telipali, Tahsil Raigarh, District Raigarh, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue & Disaster Management, Ministry, Mahanadi Bhawan Naya Raipur, Post Office & 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

For Petitioners	:	Mr. Kamal Kishor Patel, Advocate
For State/Respondents	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.09.2019

Heard.

1. Learned counsel appearing for the parties jointly submit that 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.”

- 2 In view of above, the writ petition is allowed. Impugned order dated 23.03.2015 passed by Tahsildar, Dabhra is set aside. The competent authority will be at liberty to proceed in accordance with law.

ashok

Sd/-
Goutam Bhaduri
Judge