

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WRIT PETITION (C) NO. 953 OF 2020**

Vijay Kumar Dadriwal, S/o Late Shrichand Dadriwal, aged about 56 years, R/o Village Lailunga, Tahsil Lailunga, District Raigarh (CG) **... Petitioner**

**versus**

1. State of Chhattisgarh, through the Secretary, Department of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (CG)
2. Collector, Raigarh, District Raigarh (CG)
3. Sub Divisional Officer (Revenue), Laikung, District Raigarh (CG)
4. Tahsildar, Lailunga, District Raigarh (CG) **... Respondents**

|                 |   |                              |
|-----------------|---|------------------------------|
| For Petitioner  | : | Mr. Surfaraz Khan, Advocate. |
| For Respondents | : | Mr. V.R. Tiwari, Addl. A.G.  |

**Hon'ble Shri Justice P. Sam Koshy**  
**Order on Board**

**19/03/2020**

1. Challenge in the present Writ Petition is to the Order dated 4.11.2019 (Annexure P-1) passed by the Collector, Raigarh granting permission to review the Order dated 25.10.2019 passed by the Sub Divisional Officer (Revenue), Lailunga, in Case No. 14/A-68/2018-19.
2. The sole ground that the learned Counsel for the Petitioner has raised in assailing the said Order is that before granting permission under Section 51 of the Chhattisgarh Land Revenue Code, the Petitioner who is in possession of the property and who is the aggrieved person in the instant case or is the person who shall get affected was not given an opportunity of hearing before the order dated 04.11.2019 was passed.
3. In respect of his contention, learned Counsel for the Petitioner has produced before this Court a copy of the Orders passed by this Court in a couple of Writ Petitions, i.e., WPC No. 1243/2016 (Smt. Komal Agrawal Vs. State of Chhattisgarh & Others), decided on 10.5.2016, and WPC No. 1416/2018 (Santlal & Others Vs. State of Chhattisgarh & Others), decided on 12.3.2019, both have been decided in the light of the judgment of the Division Bench of the Madhya Pradesh High Court reported in 2010 (2) M.P.H.T 115 (DB) titled as "Biharilal Vs. State of M.P. & Others and Nandlal Vs. State of M.P. & Others". Learned Counsel for the Petitioner submits that the present Writ Petition is also squarely covered by the aforesaid judgments and the impugned Order to that extent deserves to be set aside.

4. Learned Additional Advocate General appearing for the Respondents, on advance notice, submits that on perusal of record it appears that the Petitioner had not been issued with a notice. However, he tried to justify the order by referring to the impugned Orders, dated 4.11.2019 (Annexure P-1) and 18.11.2019 (Annexure P-3), whereby the Collector has permitted the Sub Divisional Office (Revenue) to proceed further only after giving due opportunity of hearing to the Petitioner.

5. The question which needs consideration is, whether before permission to review granted by the Collector an opportunity of hearing to the Petitioner was necessary or not. Undisputedly, vide Order dated 25.10.2019 in Case No. 14/A-68/2018-19, an order has been passed in favour of the Petitioner. It is this order against which permission to review was asked. Thus, the Petitioner was the affected and interested person and the Petitioner was required to be heard even at the time of granting permission to review.

6. The ratio of law laid down by the Division Bench of the Madhya Pradesh High Court in the case of Biharilal & Nandlal Vs. State of M.P. & Others (supra) has been followed in various judgments including the judgment passed in the aforementioned two Writ Petitions, i.e. WPC No. 1243/2016 (Smt. Komal Agrawal Vs. State of Chhattisgarh & Others) and WPC No. 1416/2018 (Santlal & Others Vs. State of Chhattisgarh & Others) and as such the law in this regard gets settled.

7. Given the facts and circumstances of the case, this Court is of the opinion that the Order dated 4.11.2019 (Annexure P-1) and the subsequent Order dated 18.11.2019 (Annexure P-3) both are not sustainable and the same deserve to be and are accordingly set aside/quashed. The matter accordingly stands remitted back to the Collector whereby the Collector is directed to grant an opportunity of hearing to the Petitioner on the application seeking review of the Order dated 25.10.2019 and thereafter pass an appropriate order and based upon which subsequent proceedings may be drawn.

8. With the aforesaid direction/observation, the Writ Petition stands allowed.

Sd/-  
(P. Sam Koshy)  
Judge