

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3458 of 2019**

Rohidas Sahu S/o Shri Radhelal Sahu, Aged About 33 Years, R/o
Gadhidih Ward No.11, Main Road Lormi, District Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue Department,
Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur,
Chhattisgarh
2. The Collector, Mungeli, District Mungeli, Chhattisgarh
3. The Tahsildar, Tahsil Lormi, District Mungeli, Chhattisgarh
4. Shri Avinash Singh Thakur, Tahsildar Lormi, District Mungeli,
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Harshal Chouhan, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16.03.2020**

1. The grievance of the petitioner in the present writ petition is to the order Annexure P-1 dated 19.07.2019 whereby the Tahsildar i.e. the respondent no.3 has cancelled the order of domicile certificate Annexure P-8 issued in favour of the petitioner on 06.06.2019.
2. The solitary ground of challenge in the present writ petition is that before issuance of the impugned order, no notice whatsoever was

issued to the petitioner nor was the petitioner ever intimated of any proceeding drawn for cancellation of the order dated 06.06.2019. According to the counsel for the petitioner, once when there is an order passed by the respondent no.3 on 06.06.2019 after due verification of the credentials of the petitioner, the respondent no.3 even if he intended to review its order, the only recourse to the Tahsildar was to initiate appropriate proceedings as is laid down under Section 51 of the Chhattisgarh Land Revenue Code which he has not done. Therefore, the action is bad in law. Further contention of the petitioner is that before issuance of the impugned order the respondent no.3 has not issued any notice to the petitioner and the impugned order has been passed behind his back. It was not even intimated to the petitioner nor was it served upon the petitioner and he came to know at a later stage through some third person who had the occasion of viewing Annexure P-1. Thus, according to the petitioner, the impugned order is in clear violation of the principles of natural justice.

3. On perusal of the impugned order Annexure P-1 it apparently appears that the impugned order Annexure P-1 has been passed without intimation to the petitioner. It is also evident from the plain reading of Annexure P-1 that before the same was passed the petitioner was not given an opportunity of hearing.
4. It is by now well settled principle of law that any order passed by any authority which has an adverse civil consequence, the least that is expected is a notice to be given to the person to be adversely affected by the action. In the instant case, the respondents had issued Annexure P-8 in favour of the petitioner which created certain right in

his favour. Now if the respondent no.3 intended to recall the order, firstly the procedure prescribed under Section 51 of the Land Revenue Code ought to have been applied, if not, the respondent no.3 at least should have intimated the petitioner in respect of the proceedings that he intends to draw for cancelling the domicile certificate earlier issued on 06.06.2019.

5. In the absence of either of the proceedings drawn by the respondent no.3, the impugned order Annexure P-1 dated 19.07.2019 is per se illegal and the same is in total contravention to the basic principles of nature justice.
6. The impugned order therefore is not sustainable and the same deserves to be and is accordingly set aside/quashed and the matter stands remitted back to the respondent no.3 for proceeding afresh after giving due notice to the petitioner and calling upon his explanation on the intention of the respondent no.3 to cancel the domicile certificate earlier issued on 06.06.2019. It is expected that the respondent no.3 shall give sufficient time and opportunity to the petitioner to submit his explanation/objection to the proceedings that the respondent no.3 shall initiate.
7. With the aforesaid observation the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**