

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 700 of 2021

Kanhaiya Lal S/o Gopichand, Aged About 47 Years R/o Village Raibar, Tahsil
Pusour District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue And
Disaster Management Mahanadi Bhawan New Raipur District Raipur
Chhattisgarh.
2. Collector Janjgir, District Janjgir Champa Chhattisgarh.
3. Sub Divisional Officer (Revenue) Dabhara District Janjgir Champa
Chhattisgarh.
4. Tehsildar Dabhara District Janjgir Champa Chhattisgarh.

--Respondents

For Petitioner	:	Mr. Kamal Kishor Patel, Advocate
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For State/Respondents	:	Mr. Gagan Tiwari, Dy.G.A.
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/06/2021

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 15/05/2015 passed by Tahsildar, Dabhra is set aside. The competent authority will be at liberty to proceed in accordance with law.

Sd/-

(Goutam Bhaduri)
Judge