

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3332 of 2017

- Prabhakar Rao Ambikar S/o Late Narayan Rao, Aged About 68 Years, R/o Village Urla Tahsil Abhanpur, District- Raipur, Chhattisgarh Presenely R/o Telipara, Gole Bazaar, Raipur, Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh S/o Through The Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh. , Chhattisgarh
2. Board of Revenue Chhattisgarh, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. The Additional Collector, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. The Sub- Divisional Officer Revenue Abhanpur, District Raipur, Chhattisgarh. , District : Raipur, Chhattisgarh
6. The Tahsildar, Abhanpur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner – Mr. Manoj Paranjpe, Advocate.

For State-respondents – Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-11-2021

1. This petition has been brought being aggrieved by the order of the Chhattisgarh Board of Revenue dated 15-05-2017 dismissing the revision petition filed by the petitioner.
2. It is submitted the land bearing Khasra No.784/1 measuring 0.310 hectare was granted on lease on 22-12-1965 to Smt. Ramotin Bai which was recorded in her name in the revenue records. Smt. Ramotin Bai executed a will deed in favour of the petitioner and subsequent to her death the lease land was mutated in favour of the petitioner. The petitioner filed an application before the Tahsildar praying to delete the remark present in the revenue records that the land was incapable for sale which was allowed by order dated 15-01-2016. One stranger Mahesh Banjare filed a complaint to Tahsildar,

respondent No.6. Respondent No.6 then sought permission to review the previous order from SDO, respondent No.5 and by receiving the permission of review from the SDO reviewed the order dated 15-01-2016 by order dated 16-06-2016 and ordered for vesting of the disputed land in the name of Government. The petitioner then filed revision against this order before respondent No.3/Addl. Collector which was dismissed by order dated 09-09-2016. The petitioner then again preferred revision before the Board of Revenue who has passed the impugned order dated 15-05-2017 dismissing the revision petition.

3. It is submitted by leaned counsel for the petitioner that the permission for review of the order dated 15-01-2016 cannot be granted without hearing the person interested. Reliance has been placed on the order of this Court passed in Writ Petition (227) No. 3225 of 2011 Kailash Mishra Vs. Board of Revenue and others, decided on 09-12-2016 and on the order passed by this Court in WPC No.153 of 2020 Pankaj Kumar Sharma Vs. State of Chhattisgarh and others decided on 15-01-2020. Hence, it is submitted that the impugned order is unsustainable which may be quashed.

4. The State counsel representing the respondents opposes the submission and submits that no error has been committed in passing the impugned order.

5. Considered on the submissions and on perusal of the documents filed along with the petition, it is found that the submission made by the petitioner needs to be verified. The verification has to be made from the record of the SDO who has granted permission for review to Tahsildar. The order of the SDO/respondent No.5 dated 28-05-2016 (Annexure-P/6) does not mention issuance of any notice to the petitioner. In the case of Kailash Mishra Vs. Board of Revenue and others (supra) and Pankaj Kumar Sharma Vs. State of Chhattisgarh and others (supra) both the coordinate Benches of this Court

have very clearly held that the permission of review could not have been granted without giving opportunity of hearing to the person interested. Hence, on this basis the petition is disposed off at motion stage. The impugned order and the order of Additional Collector dated 09-09-2016 both are quashed. The revision petition before the Additional Collector in Case No.107/A-6 year 2015-16 is restored. The matter is remitted to respondent No.3/Additional Collector with a direction to reconsider the revision petition on the ground of objection raised by the petitioner and take decision by passing appropriate and speaking order after making reference to the record of respondent No.5/SDO in the case in which the permission for review was granted vide order dated 28-05-2016 (Annexure-P/6). With these observations this petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge