HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 3230 of 2020

Aftab Ahmad Khan, S/o. Shri Altaf Khan, Aged About 55 Years, R/o. Farid Nagar, Kohka, Bhilai, District Durg Chhattisgarh, Through Its Power Of Attorney Holder Shujauddin, S/o. Sirajuddin, Aged About 52 Years, R/o. 16/9, Radhika Nagar, Supela, Bhilai, District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Director, Town And Country Planning, Raipur, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
3. Joint Director, Town And Country Planning, Durg, District Durg Chhattisgarh.
4. Commissioner, Land Records, Chhattisgarh, Directorate, Indrawati Bhawan, Atal Nagar, District Raipur Chhattisgarh.
5. Collector (Land Records Branch) Durg, District Durg Chhattisgarh.
6. Sub Divisional Officer (Revenue) Durg, District Durg Chhattisgarh.
7. Additional Tehsildar, Durg, District Durg, Chhattisgarh.
8. Tehsildar, Durg, District Durg Chhattisgarh.
9. Municipal Corporation Bhilai, Through Its Commissioner, Municipal Corporation Bhilai District Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State/Respondents No.1 to 8	:	Mr. Amrito Das, Addl. A.G.
For Respondent No.9	:	Mr. H.B.Agrawal, Sr. Advocate with Ms. Richa Dwivedi, Advocate

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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.01.2021

Heard

1. As per the case of the petitioner, initially certain orders on 19.11.2014 were passed about the mutation of the name of the certain persons in revenue records and the petitioner was the beneficiary. Thereafter, an application was filed on a complaint having been filed on 23.03.2020 and such mutation proceeding were reopened and the Tahsildar vide it's order dated 23.03.2020 sought for permission to review the earlier order dated

19.11.2014 from the S.D.O. as per Section 51 of the Land Revenue Code. The permission was granted on 23.03.2020 and on 24.03.2020 the order of review was passed.

2. Learned counsel for the petitioner submits that the said order of review cannot be passed behind the back of the petitioner who is an affected party without giving an opportunity of hearing as per Section 51 of the Land Revenue Code. He would therefore submit the order and subsequent proceeding is bad in law.

3. No reply has been filed by the State or either of the parties. The argument is opposed by the State.

4. On the bare perusal of order dated 19.11.2014 would show certain mutation order was passed for which a review was sought for on 23.03.2020 and permission by the Tahsildar was sought for from the S.D.O. which was granted on 23.03.2020.

5. Section 51(i-a) of the Land Revenue Code contemplates that no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

6. As the order was passed on 24.03.2020 whereby the earlier order dated 19.11.2014 was reviewed would show it was passed without giving an opportunity of hearing to the petitioner, who is an interested party. Therefore, under the circumstances, the order dated 24.03.2020 is quashed. The respondents are directed to hear the petitioner giving an opportunity of hearing before the order dated 19.11.2014 is sought to be reviewed. The petitioner be heard before the permission by the S.D.O. for review is passed and in the subsequent proceedings the mandate of Section 51 of the Land Revenue Code and procedure as laid down in Section 51(i-a) of the Land Revenue Code shall be followed. It is further

made clear that this Court has not made any observation on the merit of this case qua the entitlement of the petitioner.

7. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks