

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 18 of 2021**

Manohar Patel S/o Brijlal Patel Aged About 60 Years Caste Agharia R/o Village Barmuda Post Dhanagar Tahsil Raigarh, District Raigarh, Chhattisgarh
--- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan Mantralay, Thana Naya Raipur, Tah. And Distt. Raipur, Chhattisgarh
2. The Collector and Officiating Dupty Secretary of State of Chhattisgarh Collectorate District of Janjgir Champa, Tahsil And Distt. Janjgir Champa, Chhattisgarh
3. Sub-Divisional Officer (Revenue- Cum- Land Acquisition Officer) Janjgir Champa Tahsil and District- Janjgir Champa, Chhattisgarh
4. Tahsildar, Dabhara Tahsil Dabhara District Janjgir-Champa, Chhattisgarh
--- Respondents

For Petitioner : Mr. N.K.Malviya, Advocate

For the State : Mrs. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****13.01.2021**

Heard

1. By this petition, the order dated 15.05.2015 is under challenge whereby the Tahsildar (Respondent No.4) on a direction given by the Sub Divisional Officer (Respondent No.3) has reviewed its earlier order and the challenge is that the said order has been passed without issuing any notice to the petitioner.
2. Learned counsel for the petitioner refers to the order dated 01.10.2015 passed in WPC No.1422 of 2015 and would submit that in similar circumstances, the order was passed, which is exactly the same and therefore the same order may be passed.

3. Learned State counsel do not dispute the fact that under the similar facts & circumstances, the order was passed by the coordinate Bench on 01.10.2015 in WPC No.1422 of 2015.
4. Considering the submission made, the relevant part of the order dated 01.10.2015 passed in WPC No.1422 of 2015 reads as under :

“3. 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 M.P. and others and connected matter, 2010 (2) MPHT 115 (DB)** and another order of the Division Bench in the Case of **Shaheed Anwar v. Board of Revenue and another, 2000 RN 76.***

4. In view of the 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.”

5. It is ordered accordingly.
6. The petition is allowed. Consequently, the order dated 15.05.2015 is set aside. The concerned authority, however, shall be at liberty to initiate fresh proceedings after affording proper opportunity of hearing to the petitioner.

**Sd/-
Goutam Bhaduri
Judge**