NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 224 of 2014

Seetaram Vishwakarma S/o Hari Krishna Aged About 44 years R/o Beladula, Raigarh, Tahsil & Distt. Raigarh C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh through the Collector, Raigarh, District- Raigarh
2. Kirodimal Charitable Trust, Through Teh Chairman Ramesh Moda, S/o Purushottam Das R/o Gaddi Chowk, Raigarh C.G.
3. Registrar Of Public Trusts, Raigarh Distt. Raigarh C.G.
4. Ajay Sharma S/o Bhimsen Bharadwaj Aged About 42 Years Occupation Business, R/o Gaurishankar Mandir Road, Raigarh C.G.
5. Board Of Revenue Chhattisgarh Bilaspur C.G.

---- Respondents

For Petitioner	:	Shri B.P. Sharma, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy. A.G.
For Respondent No.2	:	Shri Rakesh Pandey, Advocate
For Respondent No.4	:	Dr. Rajesh Pandey, Advocate

Order On Board

29/07/2015

With the consent of learned counsel appearing for the parties, the matter is heard finally.

1. The sole submission of learned counsel for the petitioner is that the Board of Revenue has no jurisdiction conferred under the law to sit over in appeal or in revision against the order passed by the Registrar, Public Trusts under the provision of Chhattisgarh Public Trusts Act. He submits that the order passed by the SDO(R) in his capacity as Registrar, Public Trusts cannot be challenged before the Board of Revenue or even before the Commissioner under the provision of Land Revenue Code. The revision petition before the Board of Revenue is not maintainable under the law and the Board of Revenue, by entertaining the petition and granting stay, has usurped jurisdiction not vested in it under the law.

2. Learned counsel for the respondents No. 2 & 4 submits that the Registrar, Public Trust had no jurisdiction to issue direction as has been done by him vide order dated

20.3.2012. He submits that the Registrar could either direct the Trust to make reference before the Board of Revenue and on its failure, he could make a reference to the District Judge and nothing more.

3. In this petition under Article 227 of the Constitution, the jurisdiction and authority of Board of Revenue is under challenge. Nothing contained in Chhattisgarh Public Trusts Act, 1951, empowers the Board of Revenue to sit over the decision of the Registrar, Public Trusts. The proceedings before the Board of Revenue are apparently without jurisdiction *non est* and nullity. All the proceedings before the Board of Revenue are therefore held incompetent and without the authority of law and are, therefore, set aside.

4. Learned counsel for the respondents No. 2 & 4 submits that proper direction may be issued against order of the Registrar, Public Trusts as he has exceeded its jurisdiction. If that is the grievance of respondents No. 2 & 4, their remedy lies in taking appropriate proceedings against the order passed by the Registrar, Public Trusts, before the competent authority.

5. The petition is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Praveen