

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1408 of 2015

1. Nasar Qureshi @ Mamta Rathore D/o Isahaq Qureshi Aged About 35 Years Caste- Muslim,
R/o Gariyaband, Police Station And Tahsil -Gariyaband, District Gariyaband (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Revenue And Disaster Management
Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Upper Collector, Gariyaband, District- Gariyaband (Chhattisgarh)
3. The Sub- Divisional Officer (Revenue), Gariyaband, District- Gariyaband (Chhattisgarh)
4. The Naib Tahsildar, Gariyaband, District- Gariyaband (Chhattisgarh)

---- Respondents

For Petitioners.	: Shri Devesh G. Kela, Advocate.
For Respondent/State.	: Shri R. K. Gupta, Dy. Advocate General.

Order On Board

13/08/2015

Heard.

1. By this petition, the petitioner has challenged the order dated 27.11.2014 passed by the Additional Collector Gariyaband by which revision has been held to be not maintainable.
2. Learned counsel for the petitioner submits that as the SDO, while rejecting the application for issuance of Permanent Caste Certificate of OBC, has committed serious illegality, therefore, revision was maintainable.
3. Learned State counsel submits that if at all, according to the petitioner, proceedings

were drawn under the Provisions of Land Revenue Code, the remedy of appeal was available and, therefore, in view of the provision contained in Land Revenue Code where appeal is provided, revision is not maintainable.

4. It is found that the petitioner had applied for grant of caste certificate. The proceeding drawn before the SDO can not be said to be under the Land Revenue Code. The revision petition itself was not maintainable. Merely because the SDO has been empowered by the Government as the competent authority, it can not be said to be proceeding under the Land Revenue Code. The petitioner's remedy lies in challenging the order of SDO before the competent Court of law.

5. Therefore, I am not inclined to interfere with the order of the Collector. The petitioner would be at liberty to challenge the order in appropriately constituted proceeding under the law.

6. Accordingly, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge