

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 107 of 2016**

Roop Nath, S/o late Malgir, Aged about 60 years, R/o Village- Khakhara, P.S. & Tahsil – Bagicha, District Jashpur (C.G.)

---- Petitioner**Versus**

1. Chamru, S/o Late Guddu, Aged about 55 years, R/o Village-Khakhara, P.S. & Tahsil – Bagicha, District Jashpur (C.G.)
2. Sub-Divisional Officer (Revenue), Jashpur Now-Bagicha, P.S. & Tahsil -Bagicha, Civil & Revenue District – Jashpur (C.G.)
3. The Addl. Collector, Jashpur, Civil & Revenue Distt. Jashpur (C.G.)
4. The Commissioner Surguja Division, Ambikapur, Distt. Surguja (C.G.)

---- Respondents

For Applicant: Mr. A.N. Pandey, Advocate.
For Respondent/State: Mr. Avinash Singh, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****23/11/2016**

Heard.

(1) The Additional Collector, Jashpurngar, District Raigarh passed an order on 24.09.1986 under Section 170-B of the Land Revenue Code and reverted the land to the aboriginal tribes, against which the Writ Petition (227) No. 310 of 2015 was filed by the petitioner, which was dismissed as withdrawn with liberty to

avail the alternative remedy.

(2) The petitioner preferred revision before the Commissioner, Sarguja Division, which was dismissed by the Commissioner by order dated 17.09.2015 holding it to be barred by limitation.

(3) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(4) Admittedly, the order dated 24.09.1986 was passed by the Additional Collector, Jashpurnagar, District Raigarh and against which, for the first time writ petition No. 310/2015 was filed, that was dismissed as withdrawn with liberty to avail the alternative remedy. Thereafter, revision was preferred before the Commissioner on 20.7.2015, which was dismissed holding it to be hopelessly barred by limitation as there was delay of 29 years in filing the same. Thus, this Court is of the opinion that the learned Commissioner has rightly dismissed the revision petition filed by the petitioner holding that that there is no sufficient cause shown for inordinate delay of 29 years in filing the revision.

(5) Applying its earlier decision in **Surya Dev Rai v. Ram Chander Rai**¹ and **Shalini Shyam Shetty v. Rajendra Shankar Patil**², the Supreme Court in **Sameer Suresh Gupta through PA Holder v. Rahul Kumar Agarwal**³ has held that supervisory jurisdiction under Article 227 of the Constitution is exercised for keeping the subordinate courts within the bounds of their jurisdiction. When a subordinate court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or the jurisdiction though available is being exercised by

1 (2003) 6 SCC 675

2 (2010) 8 SCC 329

3 (2013) 9 SCC 374

the court in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby, the High Court may step in to exercise its supervisory jurisdiction. It has also been held that supervisory jurisdiction or certiorari jurisdiction is not available to correct mere errors of fact or of law unless the following requirements are satisfied : (i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and (ii) a grave injustice or gross failure of justice has occasioned thereby. The power to issue a writ of certiorari and the supervisory jurisdiction are to be exercised sparingly and only in appropriate cases where the judicial conscience of the High Court dictates it to act lest a gross failure of justice or grave injustice should occasion.

(6) Having heard learned counsel for the parties and having perused the impugned order, this Court does not find any such illegality or perversity committed by the Court below which would warrant exercise of jurisdiction under Article 227 of the Constitution of India.

(7) Accordingly, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-