

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2545 of 2016**

1. Subhash Nag, son of Nadguram, aged about 40 years,
2. Shivram Nag, son of late Kamlu, aged about 44 years,
3. Ghasiram, son of late Budhu, aged about 52 years,
4. Ramprasad Baghel, son of late Mahadev, aged about 48 years,
5. Arjun Nag, son of late Bhadru, aged about 55 years,
6. Sunder Nag, son of late Channu, aged about 42 years,
7. Puran Baghel, son of late Samunda, aged about 34 years,
8. Cham Singh, son of late Sukulldhar, aged about 41 years,
9. Surajnath, son of late Laxminath, aged about 45 years,
10. Dhaniram, son of late Bhagatram, aged about 60 years,
11. Ramprasad, son of late Suklu, aged about 50 years,
12. Ramuram, son of late Mahadev, aged about 45 years,
13. Manbati, daughter of late Motiram, aged about 40 years,

All by caste Halba, resident of Village Nelasnar, Tahsil Bhairamgarh,
District Bijapur, (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. The Joint Secretary, Government of Chhattisgarh, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
3. Chhattisgarh High Power Caste Scrutiny Committee, Indravati Bhawan, New Raipur (CG)
4. The Collector, District Bijapur (CG)
5. The Tahsildar, Bhairamgarh, District Bijapur (CG)

---- Respondent

For Petitioner : Shri Goutam Khetrapal with Shri AC Sahu, Adv.
For Respondent/State : Shri R.K.Mishra, Deputy AG.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

03/11/2016

1. The petitioners would assail the legality and validity of the notice issued by the Tehsildar, Bhairamgarh, District Bijapur directing them to show cause as to why changed revenue entries describing them as Halba (ST) instead of Telanga (OBC), which was earlier recorded, should not be corrected.
2. It is argued that in view of the judgment of the Supreme Court in the matter of **Kumari Madhuri Patil and Another Vs. Addl. Commissioner, Tribal Development and Others** {(1994) 6 SCC 241}, Tehsildar has no jurisdiction to decide the petitioners' caste status.
3. Present is a case where the petitioners' names were earlier recorded in the Revenue Records as Telanga (OBC), which was changed to Halba (ST) without there being any duly verified caste status certificate nor any permanent caste certificate issued in their favour by any competent authority. The issue pertains to change in revenue entries and not concerning charge or withdrawal of the caste status certificate.
4. It is also to be seen that change in the revenue entries mentioning the petitioners as Halba (ST) was also made by the Revenue Officer, therefore, the petitioners should not have any objection to the show cause notice which is again issued by the Revenue Officer seeking to correct the revenue entry and not for issuance of any certificate of caste status in favour of or against the petitioners. However, since change in the revenue entries may also affect the petitioners' status as

also in view of the law laid down by the Supreme Court in the matter of **Kumari Madhuri Patil** (Supra), the Writ Petition is disposed of with a direction that the petitioners shall move before the High Power Caste Scrutiny Committee at Raipur or before the competent authority at the District Level for verification of their caste status. If such application is moved within one month, the petitioners' caste status shall be duly verified and based upon the findings, the revenue entries be corrected accordingly. The Scrutiny Committee shall decide the entire issue within a period of 6 months from the date of submission of application by the petitioners.

5. For a period of 7 months from today, the operation of the impugned show cause notice dated 7.9.2016 issued by the Tehsildar, Bhairamgarh, District Bijapur shall remain in abeyance. It is made clear that if the petitioners fail to move any application within one month time, Tehsildar, Bhairamgarh would be entitled to continue the proceedings on the strength of the impugned show cause notice.
6. It is also made clear that this Court has not expressed any opinion on the merits of the case and the Tehsildar, Bhairamgarh, District Bijapur shall proceed in accordance with law.

Sd/-
Judge
(Prashant Kumar Mishra)

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