

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No.3653 of 2010**

- 1(a) Dhiya Bai Wd/o. Resham Singh, aged about 70 years
 1(b) Chandra Shekhar S/o. Resham Singh, aged about 32 years, Caste-Kanwar
 both R/o. Village-Akoljamora, Tahsil Dabhara, District-Janjgir-Champa (CG)
2. Ganpat Singh S/o. Gosairam, Caste-Kanwar, Aged about 44 years R/o. Village-Akoljamora, Tahsil Dabhra, District Janjgir-Champa (CG)

---- Petitioners**Versus**

- 1(a) Jagarmati Wd/o Tekram, aged about 65 years
 1(b) Narayan S/o Sampatram, aged about 18 years
 Both R/o village-Akoljamora, Tah-Dabhra, District-Janjgir-Champa (CG)
2. Nanhuram S/o. Govindo, Caste-Sanwara, R/o. Village Shankarpali, Tahsil-Dabhra, District Janjgir Champa (CG)

---- Respondents

For Petitioners	:	Mr.Tarun Dadsena, Advocate
For Res.No.1 (a) & 1(b)	:	Mr.Roop Naik, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/02/2017**

- The petitioners are members of aboriginal tribe. They have filed an application under Section 170B of the Chhattisgarh Land Revenue Code, 1959 (hereinafter called as "Code") stating inter-alia that respondents have defrauded and got their land registered in their names and they are in possession of the suit land, therefore, the land be reverted

to them under Section 170B of the Code.

2. The Sub Divisional Officer (R.), Dabhra by order dated 25.3.2004 held that transaction is valid and bonafide and land has been purchased by the respondents after obtaining permission under Section 165(6) of the Code and also held that provisions contained in Section 170B of the Code is not applicable. Same was assailed before the Additional Collector, Janjgir-Champa, who has affirmed the order of the Sub Divisional Officer (R.), Dabhara. The Additional Commissioner, Bilaspur Division, Bilaspur also affirmed the order of the Additional Collector, against which, this writ petition under Article 227 of the Constitution of India has been filed.
3. Mr.Tarun Dadsena, learned counsel appearing for the petitioners, would submit that the orders passed by the revenue authorities are illegal and contrary to law and deserve to be set aside.
4. On the other hand, Mr.Roop Naik, learned counsel appearing for respondents No.1 (a) and 1(b) would oppose the writ petition.
5. I have heard learned counsel appearing for the parties, perused the order impugned and other documents appended with the writ petition.
6. The Sub Divisional Officer (R.), Dabhara in its order dated

25.3.2004 has clearly held that the petitioners forefather obtained permission under Section 165(6) of the Code to sale the suit land in favour of the respondents and thereafter sale was made in their favour. The revenue authorities have concurrently held that transaction is valid and bonafide. The finding of fact so arrived by three Revenue Authorities are finding of fact based on material available on record.

7. 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 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

1 (2003) 6 SCC 675

2 (2010) 8 SCC 329

3 (2013) 9 SCC 374

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.

8. In view of above-stated legal analysis, I do not find any jurisdictional error in the impugned order. The writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-