

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 38 of 2017**

Smt. Ishwari Sahu wife of Shri Madhusuddan Sahu, aged about 45 years, R/o
Teligundra, PS Ranitarai, Tahsil Patan, District Durg, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. District Collector, Durg, District Durg, Chhattisgarh.
3. Sub Divisional Officer (Revenue) Patan District Durg, Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Patan, District Durg, Chhattisgarh.
5. Naib Tahsildar, Patan (Presiding Officer) Patan, District Durg, Chhattisgarh.
6. Gram Panchayat, Teligundra, Through Secretary, Panchayat, Teligundra, Block Patan, District Durg, Chhattisgarh.
7. Smt. Dulesh Nirmal wife of Shri Manharan Nirmal, aged about 40 years, Sarpanch, Village Panchayat Teligundra, Block Patan, District Durg, Chhattisgarh.

---- Respondents

For Appellant	: Shri Ram Narayan Sahu, Advocate.
For Respondent/State	: Shri Arun Sao, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay Agrawal, J.

Judgment on Board**Per Deepak Gupta, Chief Justice****01/02/2017**

1. This appeal is directed against the judgment dated 17.11.2016 passed by the learned Single Judge in Writ Petition (227) No. 619 of 2016, filed under Article

227 of the Constitution of India.

2. Section 2 of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 reads as follows:

"2. Appeal to Division Bench of the High Court from a Judgment or order of one judge of the High Court made in exercise of original jurisdiction - (1) An appeal shall lie from a judgment or order passed by one Judge of the High Court in exercise of original Jurisdiction under Article 226 of the Constitution of India, to a Division Bench comprising of two Judges of the Same High Court:

Provided that no such appeal shall lie against an interlocutory order or against an order passed in exercise of supervisory jurisdiction under Article 227 of the Constitution of India."

3. The aforesaid proviso very clearly states that no appeal shall lie against a judgment passed by the learned Single Judge wherein he has exercised jurisdiction under Article 227 of the Constitution of India.
4. The Petitioner had only invoked Article 227 of the Constitution of India. The learned Single Judge has exercised jurisdiction under Article 227 and made reference only to Article 227 of the Constitution of India in the decision rendered. We are therefore clearly of the view that no appeal is maintainable.
5. We make it clear that we have not expressed any opinion on merits of the case. We however hold that the appeal itself is not maintainable.
6. Accordingly, the appeal is dismissed as not maintainable with liberty reserved to the petitioner to seek appropriate remedy as per the law.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE