



AFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Order reserved on 25-06-2024

Order delivered on 02-07-2024

WP No. 3319 of 2006

- Petitioners
1. M/s Hira Industries Limited, A Company Incorporated under the Companies Act, 1956, having a Mini Cement Plant at Pandripani, Tahsil Jagdalpur, District Bastar (CG)
  2. Shri B.L. Agrawal, S/o Ramreechpal Agrawal, Shareholder and Director, M/s Hira Industries Limited, R/o Samta Colony, Raipur (CG).

**Versus**

- Respondents
1. The State of Chhattisgarh, through the Principal Secretary, Department of Mineral Resources, Mantralaya, Raipur (CG).
  2. The Additional Collector, Jagdalpur, District Bastar (CG.).
  3. Board Of Revenue, Chhattisgarh (Circuit Court, Raipur), having Principal Seat at Bilaspur (CG).

For Petitioners : Mr. Anshul Tiwari, Advocate  
For State : Mr. Raj Kumar Gupta, Addl. Adv. General

Hon'ble Mr. Justice Goutam Bhaduri

CAV Order

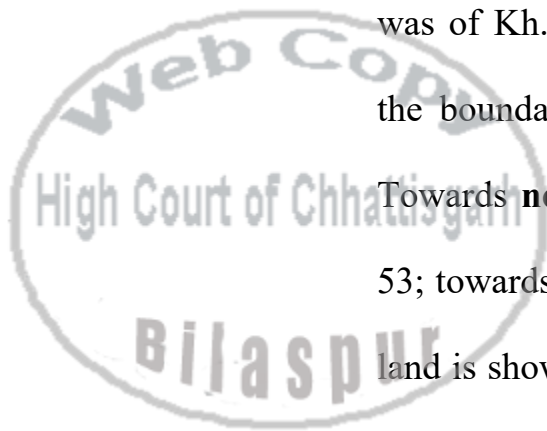
1. The challenge in this writ petition is to the order dated 05<sup>th</sup> April, 2006 passed by the Board of Revenue in case No. 1008/A-67/2002-2003 (Annexure P-1) whereby the appeal filed by the petitioner under section 44 of the Chhattisgarh land Revenue Code, 1959 against the order dated 28.03.2003 (Annexure P-2) passed by the Additional Collector Jagdalpur in Revenue Case





No.133/A-67/1993-1994 was rejected. The said order Board of Revenue is filed as Annexure P-1 and the order of the Additional Collector is filed as Annexure P-2.

2. The averments, as made in the writ petition, are that the petitioner earlier named and styled as Jai Bajrang Cement (P) Ltd. has applied to State Government for allotment of mining area for extraction of lime stone for captive use in its mini steel plant which was set up at Pandripani, near Bastar. Accordingly, on 2<sup>nd</sup> February 1985, the lease was granted by State Government for extraction of limestone for a period of 20 years. The area of lease was of Kh.No.2/1 P.C.No.72 containing an area of 45 acres and the boundaries shown in the map (Annexure "E") as follows:  
Towards **north**, it is shown as land bearing Kh. nos. 49, 51, 52, 53; towards **south** the other land is shown; towards **east** the other land is shown without number and towards **west** the land bearing Kh. Nos. 112/3 & 148/46 were shown. The Collector Jagdalpur by its letter dated 27.11.1986 (Annexure P-4) allowed the petitioners to enter the mining land for excavation of limestone.
3. The petitioners have contend that based on permission (Annexure P-4), they entered the premises in presence of SDO, Tahsildar and Mining Officer in December, 1986. According to the petitioners, on 17.05.1988, a surprise visit was made by the Mining Inspector and after inspection, it revealed that mining work was being carried out inside the boundaries of mining area

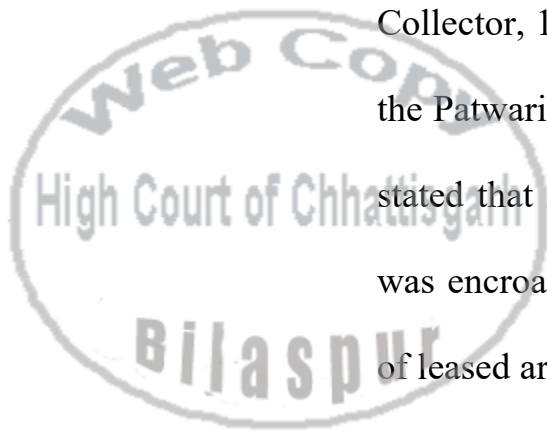




under lease. Second surprise visit was made on 04.03.1994 by the Mining Inspector along with Mining Officer, Surveyor and Mining Constable and a report was submitted wherein charges were clamped that petitioners have carried out the mining operation outside the mining area under lease and illegally extracted 86952.490 MTs of lime-stone over an area of 9.45 acres out of Kh.Nos. 192/1 and area of 2 acres out of Kh.no.2/1 thereby a total area was shown to be 11.45 acres.

4. Subsequently a report was submitted to the collector vide Annexure P-6 with a copy to the petitioners. In such report to the Collector, 10 witnesses were named which was based on report of the Patwari dated 04.03.1994 (Annexure P-7) wherein the Patwari stated that 2 acres was encroached out of Kh.No.2/1 and 6 acres was encroached out of Kh.No.192/1 and the entire demarcation of leased area was not complete.

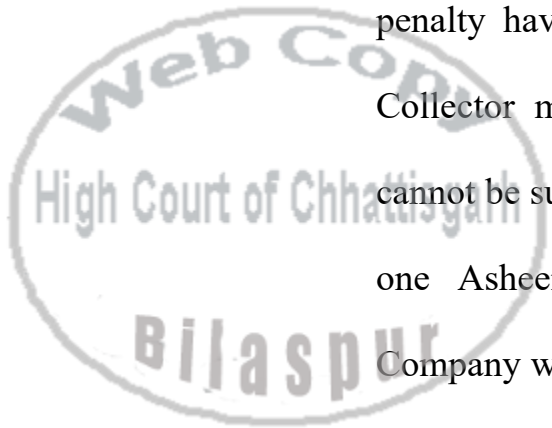
5. According to the petitioners, another report was also submitted by the Patwari of P.H. No.72, Chitapur by Annexure P-8 dated 06.03.1994 which is addressed to Collector, Mining Department with a copy to the SDO and Naib Tahsildar, wherein it was stated that petitioner M/s. Heera Cement Factory has illegally extracted the lime-stones on 9.45 acres out of the Government land bearing Kh.No.192/1 admeasuring 18.27 acres situated in village Chitapur P.C.No.72 R.I. Circle Keshlur Tahsil Jagdalpur. Panchshala Khasra was prepared by the said Patwari by Ex.P-9 dated





07.03.1994 and a revenue map was also attached by Annexure P-10 dt. 7.3.1994 with a note wherein also it was alleged by the Patwari of P.H.No.72 that out of the land of Kh.No.192/1 admeasuring 18.27 acres, the petitioner has illegally extracted the material over 9.45 acres.

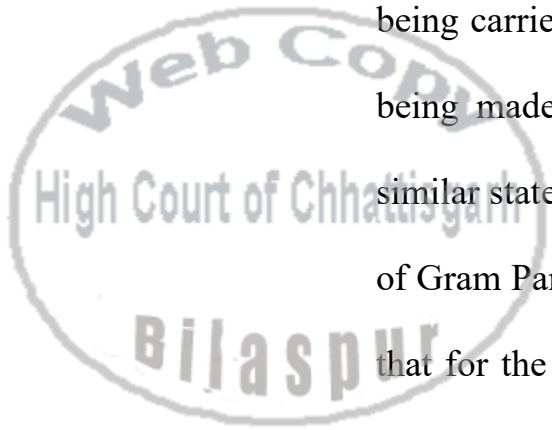
6. Relying upon the statements of different witnesses, learned counsel for the petitioners would submit that no illegal mining of lime-stones was done by the Petitioner company outside the land of lease granted to them and without there being any material evidence to establish illegal mining, the orders imposing heavy penalty have been passed by the Board of Revenue and Addl. Collector merely based on reports prepared by Patwari which cannot be sustained. According to the petitioners, the statement of one Asheem Kumar who was employed by the petitioner Company was recorded vide Annexure P-11 wherein he states that the mining department Surveyor has shown the area and the extraction of limestone from that mining area is going on since 1988. Another statement of Ashish Ghosh who was the manager of the Petitioner Company was recorded on 05.03.1994 by Annexure P-12 which states that the mining area was demarcated by installing pillars which was destroyed by the children and the Patwari of Chitapur had visited many a time but he never pointed out to have illegally extracted the limestone by the petitioner Company from out side the lease area. According to the





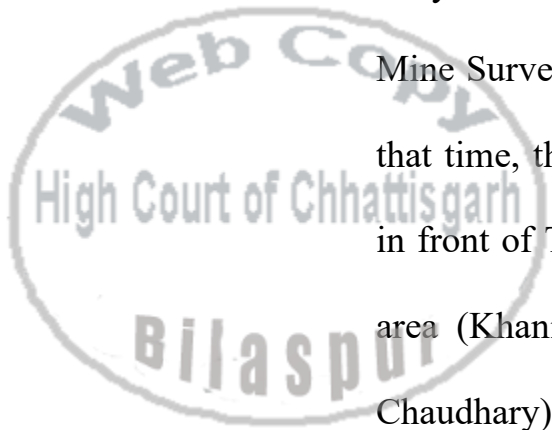
petitioners, another statement of **Ramu**, who was a villager was recorded on 05.03.1994 by Annexure P-13 and he stated that his sons Fagu and Sadu are doing the labour work of breaking stones for about 10 years in the mines situated about 200 feet away from the field of Tulsa Samru.

7. Likewise, Petitioners have also referred to another statement of one **Bhura**, who was a labour, recorded on 05.3.1994 by Annexure P-14. This witness states that Chitapur stone quarry is situated 300 feet away from the field of Tulsa Samaru and 50 ft. away from a nearby canal drain where the stone-breaking work is being carried out for the last ten years and the payment thereof is being made through a contractor. According to the petitioner, similar statements of one witness **Ganga Ram** who was the Panch of Gram Panchayat Chitapur was recorded on 6.03.1994. He states that for the last ten years mining activities are carried out by the petitioner Company in Chitapur at one side of the hill of drain situated near the hut and field of Tulsa Samaru. Another witness **Buiga** who was doing the labour work at Chitapur mining area was recorded on 05.03.1994 by Annexure P-16. He states that for the last ten years he is doing the work of stone breaking (boulders) at stone mining area of village Chitapur which is situated 50 feet away from a hill in front of the hut of Tulsa Samaru and the labour payment is being made by the contractor on Sunday at the mining spot itself.





8. Petitioners also referred to another statement of one M.S. Chaudhari recorded on 05.03.1994 to show that this witness categorically states that he had a contract to transport the lime-stones of Chitapur mines to the destiny of Cement Plant through his transport company. This witness states that he is working in that mine since its inception. He further states that Chitapur stone mining was started in the year 1985 and at that time, Halka Patwari Shri Khan Saheb came on the spot and informed him about the place of mine. According to the witness, it was also told by the said Patwari that demarcation of that mine was done in the year 1986 in his presence by Shri Ramaiya, Halka Patwari and Mine Surveyor Shri Kashyap by attending 7 consecutive days. At that time, the witness was also informed that the the hill situated in front of Tulsa Samaru's hut comes under the leasehold mining area (Khani Patta). Petitioner submits that this witness (M.S. Chaudhary) also states he was also informed that the place in front of Devgudi was meant for mining. This witness further states that in April/May 1992 the mining activity in this area was stopped by Ramaiah, Patwari Halka, therefore, their Company had filed an application for demarcation in the office of Tahsildar. Thereafter the Tahsildar alongwith Patwari Ramaiya and 2 other Patwaris and one Ashok Jain had done the work of measurement and have installed pillars which are still there and extraction work is being carried out in the area bounded by pillars.





9. The document prepared by Patwari relating to demarcation of mining areas where the illegal mining was done by the Petitioner is filed as Annexure 18 which shows that 3 mining areas of Khasra Nos. 192/1 situated in front of the field of Tulsa Samaru and another mining area situated at Rani-Gufa near a drain got measured. On the basis of the said report, show cause notice was issued to the petitioner on 21.03.1994 (Annexure P-19) and the Revenue case was registered under Section 247(7) of the C.G. Land Revenue Code of 1993.
10. Placing reliance on further documents, the petitioners contended that they filed reply and witnesses of the mining department B.K. Shouri and Patwari Kawasi were examined on 02.07.2021. The petitioner also examined V.R. Rao and they denied all the allegations. On 28.03.2003, the Addl. Collector passed the order that the petitioner extracted the limestone not within the lease area granted to them and imposed penalty of Rs.61,30,150=50 for illegal mining of 86952.490 metric tons of material from outside the lease area (Annexure P-2). The said order was subject of appeal under section 44 of the C.G. L.R.Code 1959 before the Board of Revenue and the Board of Revenue on 05.04.2006 rejected the appeal filed by the petitioner thereby the instant petition.
11. The petitioners further submitted that the respondent-State has completely failed in its duty to demarcate the land and the





statement of witnesses would further show that the petitioner had done the mining activity within the lease area granted to them and there exists no substantive material to hold it otherwise, and the inception of the very orders of Additional Collector and Board of revenue which are cryptic and non-speaking and the finding is based on no evidence and is liable to be set aside.

12. *Per contra*, learned counsel for the respondents would submit that necessarily the petition is under Article 227 of the Constitution of India, therefore, the limited jurisdiction can be exercised and this Court would not sit as an appeal over the finding of fact which was recorded by the Addl. Collector as also affirmed by the Board of Revenue.

13. The respondents contended that after examination of witnesses and providing due opportunity of hearing to the petitioner, Addl. Collector has come to conclusion that the petitioner has illegally extracted lime-stone from the government land of Kh.No.192/1 and 2/1 admeasuring 9.45 acres and 2.00 acres acres respectively thereby the royalty of illegal extraction was assessed to Rs.21,73,812.20 and the market value of the limestone was assessed as 49,04,120=40 thereby penalty to the tune of Rs.61,30,150 was imposed. The reply further purports that on a complaint being made (Annexure R-3) that petitioner has carried out mining activity beyond the mining area leased to them, the inspection was carried- out and the spot inspection report as also

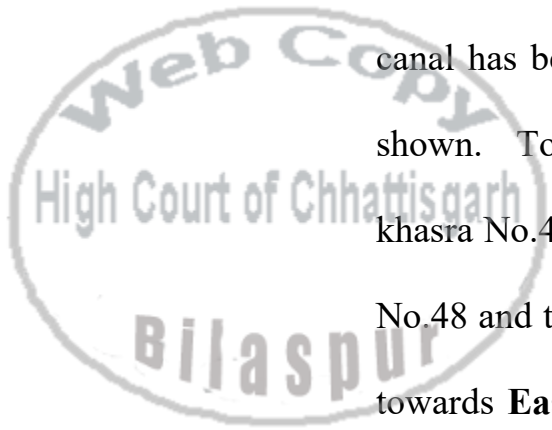






Panchnama was also prepared, which would show that the petitioner has removed the demarcation stones and carried out the mining outside the lease area granted to them. The report of Patwari was filed as Annexure R-4.

14. I have heard learned counsel for the parties and perused the documents.
15. In the instant case, the mining lease was granted on 2-2-1985 along with the lease deed the map is attached. It is in respect of khasra No.2/1. In the map attached with the lease deed, the surrounding area has been shown. In this map towards South the canal has been shown and no land bearing any khasra number is shown. Towards **North** the boundary is situated on land bearing khasra No.49 adjacent, then khasra No.52 and at a distance khasra No.48 and towards **West** khasra No.112/3 & 148/46 is shown and towards **East** part of khasra No.52 is shown to be situated. The land is situated at Mouza Chitapur, **PH No.72**, RI Circle Keslur, Tahsil Jagdalpur, District Bastar. Based on that the petitioner entered the premises and possession was given. One of the document i.e. inspection report dated 17-05-1998 (Annexure – P/5) is on record from which it is evident that during surprise visit made by the Mining Inspector **S.R. Rawte** and initially it was found that the mining was being carried out inside the lease area.





16. Subsequently, on 4<sup>th</sup>/5<sup>th</sup> March, 1994 the information was sent to the Collector, Bastar (Mining Section) vide Annexure – P/6 which was based on a surprise visit made by the Inspector and along with the statement of **Ashish Ghosh**, Mines Manager of the petitioner, statement of **Ramu** recorded on 5-3-1994, statement of **Buiga** recorded on 5-3-1994, statement of **Bhura** recorded on 5-3-1994, statement of **Gangaram** recorded on 6-3-1994, statement of **S.N. Choudhary**, Transporter recorded on 5-3-1994 and pit measurement report of 5-3-1994. According to such information, the petitioner had excavated from an area of 9.45 acres out of khasra No.192/1 and 2 acres out of khasra No.2/1. Royalty on the material so extracted is ₹ 21,73,812=20; total market value of the material so extracted is ₹ 49,04,120=40 and penalty at double the market value is ₹ 98,08,240=80. The said report sent to the Collector was based on the statements and the report of the Patwari. The report of the Patwari is also filed as Annexure-P/7 dated 4-3-1994.

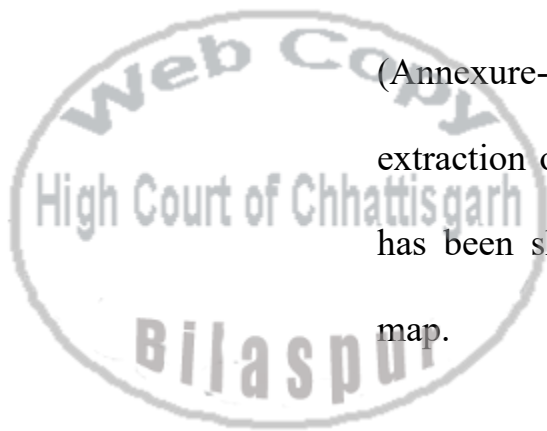
17. According to such report, albeit it was stated that excavation was made outside the lease area of khasra No.2/1 admeasuring 2.00 acres and khasra No.192/1 area 6.00 acres, but at the same time, it records that the Patwari has not demarcated the area which was granted under the lease. Another similar report is filed by the Patwari vide Annexure – P/8 and *panchshala khasra*. The endorsement was made by Patwari that out of khasra No.192/1





area of 9.45 acres has been illegally extracted. Along with such report, map of khasra No.192/1 area 9.45 acres, which was alleged to have been extracted, was annexed as Annexure – P/10. When this map is compared to the map attached with the lease deed, towards the South side a canal exists and towards North, khasra **No.192/1** has been shown whereas in the map (Annexure – P/10) towards North the lease hold of khasra No.2/1 is shown and towards West khasra **No.112/3** has been shown. In the map (Annexure – P/10), which was basis of report of Patwari, the canal has been shown at khasra **No.112/4** that too adjacent to canal khasra **No.129/54** has been shown and in the map of Patwari (Annexure-P/10), which was made the basis to say that illegal extraction of mines took place. Towards the East khasra No.2/1 has been shown, therefore, there is completely discrepancy of map.

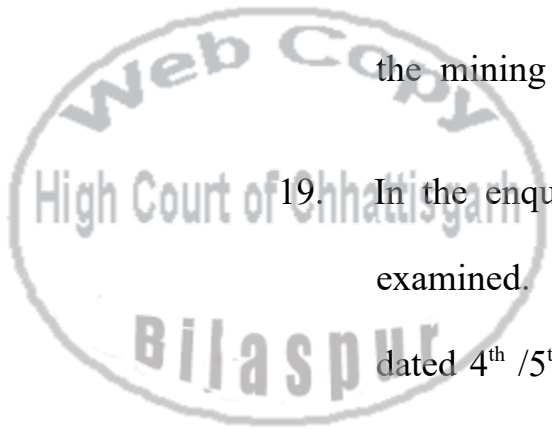
18. In the statement of Ashim Kumar, attached with such report, he stated that he was working with in the mining area on behalf of the petitioner and another statement of Ashish Ghosh also says that the excavation was being made at village Cheetapur at a distance of 100 ft. from the field of Tulsa Samru and 50 ft. away from the canal within the mining area. He stated that the pillars were put on but it was destroyed by the children and the periodical inspection was made by the Patwari. Likewise statement of Ramu, Bhura, Gangaram, **Buiga**, S.M. Choudhary they all





unequivocally stated that for the last 10 years from the lease hold area the extraction was being made. Therefore, what was the basis of such finding to say that the petitioner has encroached upon khasra No.192/1 and part of khasra No.2/1 is not established by such report. In order to find out the demarcation report, if any, the records were perused. There is nothing on record as the demarcation report has not been filed by the State. The bunch of original documents/files were sought for in respect of entire case file of the petitioner. It was in five folders. The entire inspection of it apparently shows that no map is enclosed much less the demarcation report to establish that the mining was carried out of the mining area.

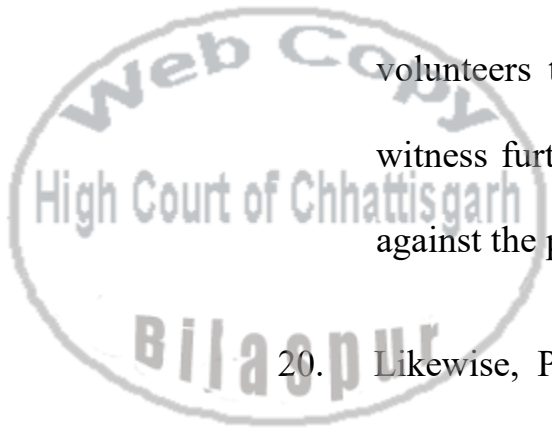
19. In the enquiry proceedings, B.K. Shouri, Mines Inspector, was examined. According to his statement on the basis of inspection dated 4<sup>th</sup> /5<sup>th</sup> March, 1994 the report was prepared. In the cross-examination he admitted that Ashish Kumar had made a statement that Patwari has visited the spot on several times when excavation was being carried out but never objected the excavation for the last 10 years. According to the statement of S.M. Choudhary, he states that as per the directions of the Tahsildar the Patwari **Ramaiya** had demarcated the mining area by affixing pillars and the petitioner was carrying the mining operations within that demarcated area only. The Mining Inspector further admitted that on inspection on 4<sup>th</sup> / 5<sup>th</sup> March, 1994 he found that the petitioner





was excavating the land on the place, which was demarcated by the Patwari, which was granted under lease. Most importantly he admitted that in order to identify the situation of land of khasra No.2/1 and 192/1 the main field map was not produced along with the complaint. He admitted that in his presence on 4<sup>th</sup> /5<sup>th</sup> March, 1994 the Patwari had measured the hollow spaces and had told that pits were in khasra No.192/1. He also admitted that excavation was made on demarcated area, which was marked by the earlier Patwari. He further admitted that after the report was given by Patwari he has not examined the same. He stated that before 18-3-1994 the Department has not made any inspection and volunteers that he cannot say the same with all certainty. This witness further admitted that prior to that no case was registered against the petitioner for illegal excavation.

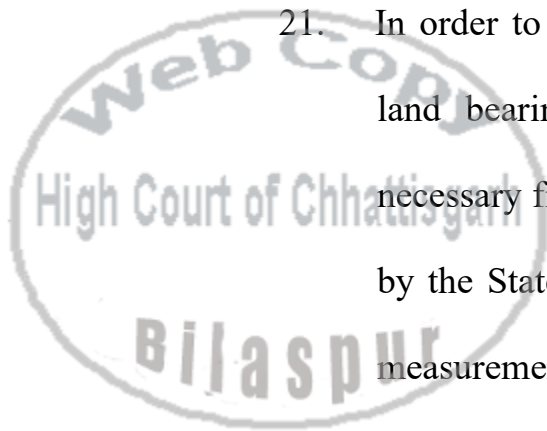
20. Likewise, Patwari Phagan Ram Kawasi was examined. In his cross-examination he stated that on 3-3-1994 he had sent the illegal mining report to the Tahsildar and on 4-3-1994 he had demarcated the land and sent the report, however, the said report was not enclosed in the case. He further stated that he has not carried-out the demarcation on 04-03-1994. He also stated that he does not know whether or not the area under lease was demarcated before 4-3-1994. He further admitted that in 1986 map has not been produced and even in 1993-94 the entire field map of the village has not been produced. He stated that he was





appointed in the year 1992 and admitted the fact that along with the lease-deed, the demarcation is also given. A suggestion was given to this witness that khasra No.192/1 is situated at far off, therefore, the map was not produced, but he denied the said suggestion. Further cross-examination of this witness shows that he has not filed any demarcation report or map. He has admitted that he has demarcated the land which was granted to the petitioner, but he has not produced any report in this case. The statement of Patwari further indicate that despite the fact that he has demarcated the lease hold land, the report was not produced.

21. In order to ascertain whether the petitioner has encroached upon land bearing khasra No.192/1 or part of khasra No.2/1 the necessary field map of the area should have been placed on record by the State. Simply on the basis of Annexure-P/8, in respect of measurement of certain pits, it cannot be said that those pits are not situated within the lease hold area. It is not clear before the Court as to what kind of pit exists whether it has been done by the petitioner or by other one lessee inasmuch as the Panchnama which is filed along with the return shows that the allegation of causing such pits are attributed to one Rudra Cement Factory. The panchnama purports while inspecting the mining of Rudra Cement Factory, *Chanda Munara* was found to be missing and according to Annexure-R/4 it would show that Rudra Cement has illegally excavated in khasra No.2/1.

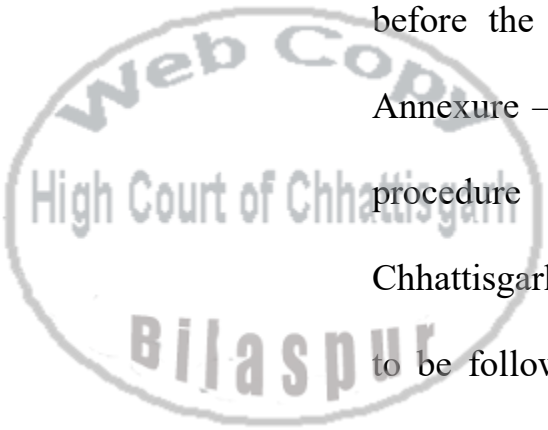




22. According to the statement of Patwari, the demarcation of mining area was carried out. In cases of land demarcation, the important corner stone cannot be ignored i.e. of field map. The khasra numbers are not engraved over a field. The identity of land is found from the field demarcation map or the boundaries shown in deed. This procedure had shaped for long.

23. In the present case two maps are in hand. One is attached with the registered lease deed and one is by the Patwari, which are conflicting. The reason behind preparation of map (Annexure – P/10), wherein the boundaries have been differently shown, is not before the Court. In order to carry out the demarcation like Annexure – P/10, which is a map, by the Patwari, for which the procedure has been laid down under Section 129 of the Chhattisgarh Land Revenue Code, 1959 and the same is required to be followed. Admittedly, the petitioner or the adjacent land holders were not noticed. It has been done by the Patwari privately and on what basis the map (Annexure – P/10) is extracted is not clear, instead the map which is attached with the registered lease deed, wherein the boundaries have been shown would have a preference as the Supreme Court in the matter of *The Palestine Kupat AM Bank Cooperative Society Ltd. vs Government of Palestine and others*<sup>1</sup>, held that in case of grant of land when there is a conflict between the description by boundaries and the area mentioned in the grant, the principle of

<sup>1</sup> 1948 SCC OnLine PC 24





preferring the description by fixed boundaries to the conflicting description by area should be applied.

24. Further the Supreme Court in the matter of *Subhaga and others vs Shobha and others*<sup>2</sup>, held that in case of any discrepancies about the identification of the properties, the property to be identified by the boundaries and the boundaries normally should prevail over measurement.

25. In order to sustain the boundaries as shown by the Patwari vide Ex.P/10 it should have been shown that it is the extract of field map. In the statement of witnesses the facts have come otherwise that the petitioner was inside the boundaries of lease hold area and the statement of Patwari and the Mining Inspector do not establish this fact that how they came to a conclusion and sent the report to the Collector that the petitioner has encroached upon the boundaries of the lease hold land after such field map has been held back .

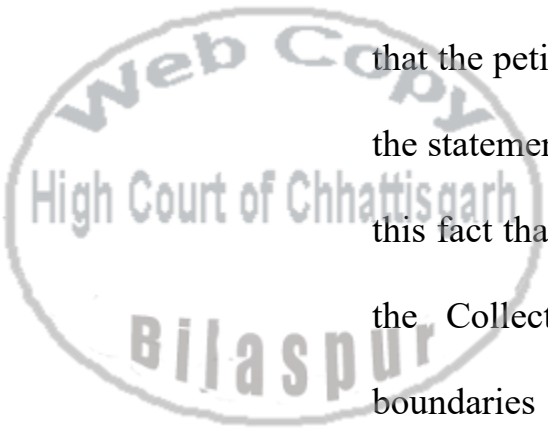
26. The Supreme Court in the matter of *Bharat Heavy Electricals Ltd. v State of U.P. and Others*<sup>3</sup> held thus at para 13 :

13. This apart, the finding that the respondent workmen were the employees of the appellant, does not rest merely on the test of control. The other evidence and facts and circumstances of the case were also kept in mind in recording such a finding including a vital fact that the appellant did not produce the records alleging that they were not available which led to drawing adverse inference against them. It is not possible for us to hold that such

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2 (2006) 5 SCC 466

3 (2003) 6 SCC 528

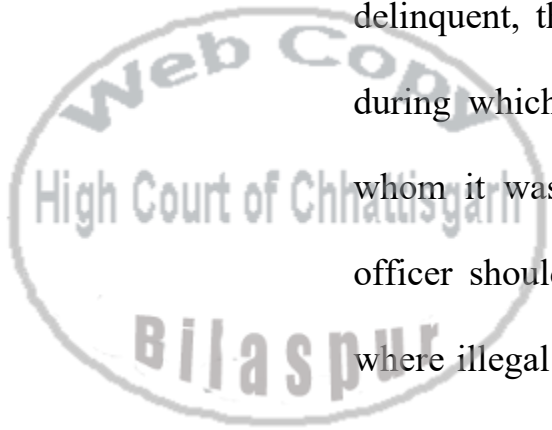






concurrent findings recorded by the Labour Court and the High Court that the workmen were to be treated as the employees of the appellant are either perverse or based on no evidence or untenable at all.

27. In the instant case since no map has been produced only oral evidence has been led it cannot be conclusively proved that the petitioner was excavating outside their lease hold land. The four corners of lease deed are different than that of Annexure – P/10 on which the Patwari relied on.
28. Before imposing penalty under Section 247(7) of the CGLRC it should be proved on behalf of the State that illegal mining has been done. Since it attaches a penalty clause, in order to punish the delinquent, the State has to prove the exact place and the period during which the illegal extraction was done and the person by whom it was done. Therefore, it is necessary that the reporting officer should prepare a map showing the particular places from where illegal extraction was done. The report should also indicate the number of pits dug from where the material has been extracted. The period during which illegal extraction was done must also be indicated because in a case like present one in which a party had a valid lease upto a particular period, it must be established that actual extraction of material has been done after the period of lease was over. The party who is responsible of illegal extraction should also be specified.





29. The Supreme Court in the matter of *Karnataka Rare Earth and Another v Senior Geologist, Department of Mines & Geology and Another*<sup>4</sup> held that an order imposing penalty for failure to carry out the statutory obligation is the result of a quasi-criminal proceeding and penalty will not ordinarily be imposed unless the party obliged has either acted deliberately in defiance of law or was guilty of conduct contumacious or dishonest or acted in conscious disregard of its obligation. Penalty will not also be imposed merely because it is lawful to do so.

30. The oral statement cannot be relied upon in absence of documents. The learned Collector vide its order though recorded submission of the parties but only on the basis of the fact that the lease hold area has been identified from measurement of the pit as held that the petitioner was liable in view of Section 247(7) of the CGLRC, in the opinion of this Court this finding is not reflected from any evidence on record. Apart from the said fact, the map and demarcation report was held back by the State. Consequently, when it was challenged before the Board of Revenue, the Board of Revenue vide Annexure-P/1 failed to take into account the similar fact.

31. Though the scope of judicial review under Article 227 of the Constitution of India is to be exercised sparingly, but if the order has been passed on a complete perverse finding the Court can interfere.

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4 (2004) 2 SCC 783



32. The Supreme Court in the matter of *Mani Nariman Daruwala v Phiroz N. Bhatena and Others*<sup>5</sup>, held thus at para 18 :

18. Was the High Court justified in taking this view and in upsetting the finding recorded by the appellate bench? While considering this question it has to be borne in mind that the High Court was exercising its jurisdiction under Article 227 of the Constitution of India. In the exercise of this jurisdiction the High Court can set aside or ignore the findings of fact of an inferior court or tribunal if there was no evidence to justify such a conclusion and if no reasonable person could possibly have come to the conclusion which the court or tribunal who (*sic*) has come or in other words it is a finding which was perverse in law. Except to the limited extent indicated above the High Court has no jurisdiction to interfere with the findings of fact. (See: *Chandavarkar Sita Ratna Rao v. Ashalata S. Guram.*) Applying these tests we are unable to persuade ourselves to hold that the findings recorded by the appellate bench suffer from such an infirmity so as to justify interference with the said finding under Article 227 of the Constitution.

(Emphasis added)

33. Applying the well settled principles of law to the facts of the present case and for the reasons mentioned hereinabove, I am of the view that the finding arrived at by the Collector and the Board of Revenue is completely perverse and based on no evidence and it is only on presumption, therefore, the same cannot be sustained. Accordingly, both the orders are quashed.

34. In the result, the writ petition is allowed. However, there shall be no order as to cost(s).

Sd/-

(Goutam Bhaduri)  
Judge

Rao/Gowri

<sup>5</sup> (1991) 3 SCC 141



## HEAD NOTE

In order to ascertain the identity of land, original field map should be in record, in absence thereof boundaries in a deed shall decide the identity.

भूमि की पहचान अभिनिश्चित करने में, भूमि के मूल नक्शों को अभिलेख में होना चाहिये, उक्त के अभाव में विलेख में उल्लेखित सीमाएँ पहचान तय करेंगी।

In quasi criminal proceedings penalty will not ordinarily be imposed unless the party obliged has either acted deliberately in defiance of law or was guilty of conduct contumacious or acted in disregard to obligation.

अर्ध आपराधिक कार्यवाहियों में आमतौर पर दंड तब तक अधिरोपित नहीं किया जाएगा जब तक कि दायित्वाधीन पक्षकार ने जानबूझकर विधि की अवज्ञा नहीं की हो या दूषित आचरण का दोषी रहा हो या दायित्व की अवहेलना में कार्य किया हो।

Jurisdiction under Article 227 of the Constitution of India can be invoked if there was no evidence to justify such conclusion.

ऐसे निष्कर्ष को उचित ठहराने के लिए यदि कोई साक्ष्य उपलब्ध न हो तो, भारतीय संविधान के अनुच्छेद 227 के तहत प्रदत्त अधिकारिता का प्रयोग किया जा सकता है।

