



2026:CGHC:7164-DB

**AFR**

## **HIGH COURT OF CHHATTISGARH AT BILASPUR**

### **WA No. 418 of 2021**

- 1** - Satyanarayan, S/o Lt. Ramprasad, Aged About 49 Years Nawapara, Post And Police Station Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
- 2** - Devnarayan, S/o Lt. Ramprasad, Aged About 47 Years R/o. Ambikapur, Post And Police Station Ambikapur, District Surguja Chhattisgarh
- 3** - Ramnarayan, S/o Lt. Ramprasad, Aged About 39 Years R/o. Village Ganeshpur, Post And Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh
- 4** - Smt. Fulmat Devi (Died)

**---Appellant(s)**

### **Versus**

- 1** - State Of Chhattisgarh, Through The Collector Surguja - Ambikapur District- Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
- 2** - Babulal Agrawal, S/o Lt. Kishunchand, Aged About 50 Years R/o. Village Pratappur, Post, Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
- 3** - Addl. Commissioner, Surguja, Division Ambikapur, Police Station And Post Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

**4 - Sub - Divisional Officer, Pratappur, Post, Police Station And Tahsil Pratappur, District Surguja (Now Surajpur) Chhattisgarh**

**--- Respondent(s)**

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For Appellant(s)	: Mr. Abhinav Dubey, holding the brief of Mr. Sunil Tripathi, Advocate
For Respondents No. 1, 3 and 4	: Mr. S.S.Baghel, Government Advocate.
For Respondent No. 2	: Mr. M.V.Paranjpe, Senior Advocate assisted by Mr. Sanjay Agrawal, Advocate

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**WA No. 626 of 2022**

Ashraf Khan S/o Shri Saeed Khan Aged About 38 Years R/o Maudhapara, Raipur District Raipur Chhattisgarh

**---Appellant(s)**

**Versus**

**1 - Vicky @ Gaurav S/o Late Shri Sukhnandan @ Ra Jkumar Agrawal Aged About 32 Years R/o Near Durg Sadan, Dumartalab, P H No. 104, Raipur District Raipur Chhattisgarh**

**2 - Smt. Durga Bai W/o Jeetram Bhatt Aged About 45 Years R/o Near Durg Sadan, Dumartalab, P H No. 104, Raipur District Raipur Chhattisgarh**

**3 - Smt. Chandrakala W/o Shri Baleshwar Mishra Aged About 45 Years R/o Near Durga Sadan, Dumartalab, P H No. 104, Raipur District Raipur Chhattisgarh**

**4 - Smt. Meena Bai W/o Shri Vanshraj Agrawal Aged About 60 Years R/o Krishna Nagar, Kota, Gudhiyari Marg, Raipur District Raipur Chhattisgarh**

**5 - State Of Chhattisgarh Through The Collector Raipur District Raipur Chhattisgarh**

**6 - The Tahsildar Raipur District Raipur Chhattisgarh**

**--- Respondent(s)**

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For Appellant(s)	: Mr. B.P.Sharma and Mr. M.L.Sakat, Advocates
For Respondent No. 1	: Mr. Vivek Kumar Agrawal
For Respondents No. 5 and 6	: Mr. S.S.Baghel, Government Advocate.

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**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Judgment on Board**

**Per Ramesh Sinha, Chief Justice**

**09/02/2026**

1. Heard Mr. B.P.Sharma, Mr. M.L.Sakat, Mr. Abhinav Dubey, learned counsel appearing for the appellants, Mr. S.S.Baghel, learned Government Advocate for the State as well as Mr. M.V.Paranjpe, learned Senior Advocate assisted by Mr. Sanjay Agrawal and Mr. Vivek Kumar Agrawal, learned counsel for the respective respondents.
2. In WA No. 418/2021, challenge is made to the order dated 07.07.2021 passed by the learned Single Judge in WP(227) No. 876/2012 by which the petition filed by the appellants/writ petitioners challenging the order dated 14.09.2012 passed by the learned Additional Commissioner, Surguja Division, Ambikapur, in Revenue Case No. 19/A-23/2009-10, has been dismissed.
3. In WA No. 626/2022, challenge is made to the order dated 22.09.2022 passed by the learned Single Judge in WP(227) No. 173/2021 by which the writ petition filed by the appellant/writ petitioner seeking a direction to the revenue authorities to record his name in the revenue records in pursuance of the order passed by the Board of Revenue dated 03.02.2014 and provisions contained under Sections 108 to 110 of the Chhattisgarh Land Revenue Code, 1959, has been rejected.
4. The Registry has raised an objection that these appeals are not

maintainable as they are appeals against the order passed by the learned Single Judge in petitions under Article 227 of the Constitution of India, and as such, no appeal to this Bench would lie. As such, both the appeals were directed to be listed together and they are being considered and decided.

5. At the outset, learned counsel appearing for the respondents as well as State submit that these appeals are not maintainable in view of provisions of Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 (*for short, the Act of 2006*).
6. Mr. B.P.Sharma and Mr. Abhinav Dubey, learned counsel appearing for the respective appellant(s) submit that though the writ petitions were titled as petition under Article 227 of the Constitution of India but the prayer clause makes it clear that the said petitions could only be treated as petition under Article 226 of the Constitution of India.
7. Mr. Sharma submits that the term 'Court' has nowhere been defined. However, Section 31 of the Chhattisgarh Land Revenue Code, 1959 (*for short, the Code of 1959*) provides for conferral of status of Courts on Board and Revenue Officer. The said Section states that the Board or a Revenue Officer, while exercising power under this Code or any other enactment for the time being in force to enquire into or to decide any question arising for determination between the State Government and an person or between parties to any proceedings, shall be a Revenue Court. 'Attributes of a Court' and a 'Court' are two different things. Section 32 of the Code of 1959 is in respect of inherent power of revenue Courts. It states that nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Revenue Court to make such orders as may be necessary for the ends of justice or to

prevent the abuse of the process of the Court.

8. Mr. Sharma places reliance on the judgment of the Apex Court in ***State of Madhya Pradesh & Others v. Visan Kumar Shiv Charan Lal*** {(2008) 15 SCC 233}. Mr. Sharma submits that in the said judgment, the Hon'ble Apex Court has taken note of various earlier decisions viz. ***Umaji Keshao Meshram v. Radhikabai*** {(1986) Supp SCC 401}, ***Surya Devi Rai v. Ram Chander Rai*** {(2003) 6 SCC 675}, has discussed identical issue as involved in this appeal. In ***Visan Kumar Shiv Charan Lal*** (supra), the Apex Court observed as under:

*“12. In Surya Dev Rai v. Ram Chander Rai & Ors. [AIR 2003 SC 3044] after referring to decisions in Custodian of Evacuee Property, Bangalore v. Khan Saheb Abdul Shukoor, etc. [1961 (3) SCR 855] and Nagendra Nath Bora & Anr. v. Commissioner of Hills Division [AIR 1958 SC 398], T.C. Basappa v. T. Nagappa [AIR 1954 SC 440] and Rupa Ashok Hurra v. Ashok Hurra [AIR 2002 SC 1771], this Court held at paragraphs 17, 19 & 25 as follows:*

*“17. From the aforesaid enunciation of law it is quite vivid and luminescent that the pleadings in the writ petition, nature of the order passed by the learned Single Judge, character and the contour of the order, directions issued, nomenclature given the jurisdictional prospective in the constitutional context are to be perceived. It cannot be said in a hypertechnical manner that an order passed in a writ petition, if there is assail to the order emerging from the inferior tribunal or subordinate Court has to be treated all the time for all purposes to be under Article 227 of the Constitution of India. Phraseology used in exercise of original jurisdiction under Article 226 of the Constitution in Section 2 of the Act cannot be given a restricted and constricted meaning because an order passed in a writ petition can tantamount to an order under Article 226 or 227 of the Constitution of India and it would depend upon*

*the real nature of the order passed by the learned Single Judge. To elaborate; whether the learned Single Judge has exercised his jurisdiction under Article 226 or under Article 227 or both would depend upon various aspects and many a facet as has been emphasized in the afore quoted decisions of the apex Court. The pleadings, as has been indicated hereinabove, also assume immense significance. As has been held in the case of Surya Devi Rai (supra) a writ of certiorari can be issued under Article 226 of the Constitution against an order of a Tribunal or an order passed by the sub ordinate court. In quintessentiality, it cannot be put in a state jacket formula that any order of the learned judge that deals with an order arising from an inferior tribunal or the sub ordinate court is an order under Article 227 of the Constitution of India and not an order under Article 226 of the Constitution. It would not be an over emphasis to state that an order in a writ petition can fit into the subtle contour of Articles 226 and 227 of the Constitution in a composite manner and they can coincide, co-exist, overlap imbricate. In this context it is apt to note that there may be cases where the learned single judge may feel disposed or inclined to issue a writ to do full and complete justice because it is to be borne in mind that Article 226 of the Constitutions is fundamentally a repository and reservoir of justice based on equity and good conscience. It will depend upon factual matrix of the case.*

*19. Thus, there is no manner of doubt that the orders and proceedings of a judicial court subordinate to the High Court are amenable to writ jurisdiction of the High Court under Article 226 of the Constitution.*

*25. Upon a review of decided cases and a survey of the occasions, wherein the High Courts have exercised jurisdiction to command a writ of certiorari or to exercise supervisory jurisdiction under Article 227 in the given facts and circumstances in a variety of cases, it seems that the*

*distinction between the two jurisdictions stands almost obliterated in practice. Probably, this is the reason why it has become customary with the lawyers labelling their petitions as one common under Articles 226 and 227 of the Constitution, though such practice has been deprecated in some judicial pronouncement. Without entering into niceties and technicality of the subject, we venture to state the broad general difference between the two jurisdictions. Firstly, the writ of certiorari is an exercise of its original jurisdiction by the High Court; exercise of supervisory jurisdiction is not an original jurisdiction and in this sense it is akin to appellate, revisional or corrective jurisdiction. Secondly, in a writ of certiorari, the record of the proceedings having been certified and sent up by the inferior court or tribunal to the High Court, the High Court if inclined to exercise its jurisdiction, may simply annul or quash the proceedings and then do no more. In exercise of supervisory jurisdiction, the High Court may not only quash or set aside the impugned proceedings, judgment or order but it may also make such directions as the facts and circumstances of the case may warrant, maybe, by way of guiding the inferior court or tribunal as to the manner in which it would now proceed further or afresh as commended to or guided by the High Court. In appropriate cases the High Court, while exercising supervisory jurisdiction, may substitute such a decision of its own in place of the impugned decision, as the inferior court or tribunal should have made. Lastly, the jurisdiction under Article 226 of the Constitution is capable of being exercised on a prayer made by or on behalf of the party aggrieved; the supervisory jurisdiction is capable of being exercised suo motu as well.”*

9. Mr. Sharma lastly submits that the nature of the order passed by the learned Single Judge has to be seen and not the nomenclature of the petition and as such, these appeals are maintainable and they may be heard on merits as well.

10. On the other hand, Mr. Paranjpe, learned Senior Advocate assisted by Mr. Sanjay Agrawal as well as Mr. Vivek Kumar Agrawal, learned counsel appearing for the respective respondent submit that the writ petitions were filed exclusively under Article 227 of the Constitution of India and it is not that they were filed under Article 226/227 of the Constitution. He places reliance on the decision of co-ordinate Division Bench in ***Manoranjan Jaiswal v. M/s. Krishna Builders & Developers & Another*** {WA No. 423/2021, decided on 24.07.2023}, wherein the Bench observed that Section 31 of the Chhattisgarh Land Revenue Code, 1959 (for short, the Code) confers status of Courts on the Revenue Board and the Revenue Officers stating that the Revenue Officer or Board, while exercising power under this Code or any other enactment for the time being in force to enquire into or to decide any question arising for determination between the State Government and any person or between parties to any proceedings, shall be a Revenue Court.
11. The Hon'ble Apex Court, in ***Radhey Shyam & Another v. Chhabi Nath & Others*** {(2015) 5 SCC 423}, has observed that the judicial orders of the Civil Court are not amenable to writ jurisdiction under Article 226 of the Constitution of India and the scope of Article 227 is different from Article 226.
12. Mr. Paranjpe further submits that had it been a case that the order passed by the learned Single Judge was an order passed in exercise of powers under Article 226/227 of the Constitution of India, then this Court could have gone into the aspect whether the learned Single Judge exercised its power under Article 226 or 227 of the Constitution of India. Admittedly, in the present cases, the petitions were filed exclusively



under Article 227 of the Constitution of India and as such, this Court is not required to go into the aspect as to which power the learned Single Judge has exercised. As such, both these appeals deserve to be dismissed on the ground of maintainability.

13. We have heard learned counsel appearing for the parties, perused the pleadings and the materials available on record.
14. Admittedly, in WP(227) No. 876/2012, challenge was made to the order passed by the Additional Commissioner, Surguja Division, which has given rise to WA No. 418/2021 and the writ petition was specifically filed under Article 227 of the Constitution of India. Similarly, in WP(227) No. 173/2021, challenge was made to the order passed by the learned Board of Revenue, which has given rise to WA No. 626/2022. The writ petition was filed specifically under Article 227 of the Constitution of India and as such, there was no ambiguity or doubt in the mind of the learned Single Judge while adjudicating the *lis* as to whether it was exercising its power under Article 226 or Article 227 of the Constitution of India.
15. Reliance placed on ***Visan Kumar Shiv Charan Lal*** (supra) by the learned counsel for the appellants is of no assistance as in the said judgment, the Apex Court has discussed with regard to the nomenclature of the petition and further that the character and the contour of the order, direction issued by the learned Single Judge is to be perceived but that too, when a petition is filed under Article 226/227 of the Constitution of India. Where the petition is filed specifically under Article 227 of the Constitution of India, the situation is clear and there remains no manner of doubt that the learned Single Judge had exercised its power under Article 227 only. There is further no

disagreement on the point that the orders passed by the revenue authorities can be challenged in a petition filed under Article 227 of the Constitution of India.

16. The proviso to Section 2(1) of the Act of 2006 is clear and unambiguous. It states that no 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. In both the writ petitions, the orders were passed by the learned Single Judge in exercise of their power under Article 227 of the Constitution of India and as such, there is no necessity for this Court to go into the aspect as to which power had been exercised by the learned Single Judge. As such, in view of Section 2(1) of the Act of 2006, no appeal would lie and these appeal deserve to be dismissed on the ground of maintainability itself.
17. In view of the above discussion, both the appeals are **dismissed** on the ground of maintainability.

Sd/-  
(Ravindra Kumar Agrawal)  
**JUDGE**

Sd/-  
(Ramesh Sinha)  
**CHIEF JUSTICE**

**Head Note**

No appeal would be maintainable before a Division Bench if the writ petition filed before the learned Single Judge is specifically under Article 227 of the Constitution of India and it would not be necessary for the Division Bench to ascertain as to whether the learned Single Judge had exercised its power under Article 226 or under Article 227 of the Constitution while disposing of the writ petition.