



2026:CGHC:24783



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 657 of 2026

1 - Ramnath S/o Bhagwati Gond Aged About 51 Years R/o Vill. - Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. - Balodabazar-Bhatapara (C.G.)

2 - Keshoram S/o Bhagwati Gond Aged About 46 Years R/o Vill. - Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. - Balodabazar-Bhatapara (C.G.)

3 - Lakhan S/o Bhagwati Gond Aged About 43 Years R/o Vill. - Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. - Balodabazar-Bhatapara (C.G.)

4 - Sukhpati Wd/o Bhagwati Gond Aged About 68 Years R/o Vill. - Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. - Balodabazar-Bhatapara (C.G.)

... Petitioner(s)

versus

1 - Bhagwani D/o Kanshu Gond Aged About 67 Years R/o Vill- Khamhariya, P.H. No. 17, R. N. Circle And Tahsil Balodabazar, Dist.- Balodabazar-Bhatapara (C.G.)

2 - Sudhu S/o Antu Gond Aged About 69 Years R/o Vill. - Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. - Balodabazar-Bhatapara (C.G.)

3 - Smt. Milabai W/o Shri Baratu Gond Aged About 23 Years R/o Vill. - Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. - Balodabazar-Bhatapara (C.G.)

4 - Ghanshyam S/o Shri Baratu Bhagwan Aged About 48 Years R/o Vill. - Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. - Balodabazar-Bhatapara (C.G.)

5 - Akhilesh S/o Shri Baratu Gond Aged About 47 Years R/o Vill. -



Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. -
Balodabazar-Bhatapara (C.G.)

6 - Mithlesh S/o Shri Baratu Gond Aged About 39 Years R/o Vill. -
Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. -
Balodabazar-Bhatapara (C.G.)

7 - Kalesari D/o Shri Baratu Gond Aged About 53 Years R/o Vill. -
Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. -
Balodabazar-Bhatapara (C.G.)

8 - Santoshi D/o Shri Baratu Gond Aged About 46 Years R/o Vill. -
Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. -
Balodabazar-Bhatapara (C.G.)

9 - Saraswati D/o Shri Baratu Gond Aged About 43 Years R/o Vill. -
Khamhariya, P.H. No. 17 R.N. Circle And Tahsil Balodabazar, Dist. -
Balodabazar-Bhatapara (C.G.)

10 - State Of Chhattisgarh Through Collector, Balodabazar, Dist-
Balodabazar-Bhatapara (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Ravindra Sharma, Advocate

For Respondent(s) : Mr. Ashutosh Trivedi, P.L. for the State

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

18/06/2026

1. Heard.
2. Present is a writ petition filed by the petitioner under Article 227 of the Constitution of India against the impugned order dated 30.03.2026 passed by the learned Second Additional District Judge, Baloda-Bazar in Miscellaneous Civil Appeal No. 06/2025 whereby the miscellaneous appeal filed by the petitioners has been dismissed and the order dated 21.03.2025 passed by learned Civil Judge (Junior Division), Baloda-Bazar in Civil Suit Number 101-A/2023 has been affirmed.



3. Learned counsel for the petitioner would submit that the petitioners are defendants before the learned trial Court. The respondents No.1 and 2 are prosecuting a civil suit for declaration of title and permanent injunction over the suit property of agricultural land situated at village - Khamariya (Yadu), Tehsil & District - Baloda Bazar-Bhatapara (C.G.). The suit property is the joint property of the plaintiffs and defendants and the right of the defendants are also there over the suit property and in the joint property, no injunction order restraining the interference of the parties can be passed as the defendants are also having right over the suit property. Yet the learned trial Court has granted temporary injunction with respect to the interference of the possession of the plaintiffs over the suit property, which prejudice their right to cultivate the land. He would further submit that although the learned trial Court has also granted temporary injunction with respect to alienation of the suit property, however, he has no grievance against that part of the order but have only grievance against the granting of injunction with respect to interference of the defendants over the suit property. He would further submit that the learned First Appellate Court has also dismissed the miscellaneous appeal filed by the defendants without considering the said fact that the suit property is a joint property and no injunction can be granted in favour of the plaintiffs. Therefore, the impugned orders suffer from illegality and perversity, and therefore, the same may be set aside and the application filed by the plaintiffs may be dismissed.
4. I have heard learned counsel for the petitioner and perused the material annexed with the petition.



5. From perusal of the impugned orders passed by learned trial Court as well as the Appellate Court, it transpires that the learned trial Court has considered the facts in detail and observed in its order dated 21.03.2025, observing the possession of the respective parties over the suit land and also considered that if the injunction would not be granted, it would prejudice the right of the respective parties and has granted temporary injunction by allowing the application. The learned Appellate Court has also affirmed the said finding recorded by the learned trial Court after considering the facts and circumstances of the case as well as material available on the record.
6. The scope of interference while invoking the jurisdiction under Article 227 is very limited to this Court, as has been held by Hon'ble Supreme Court in the case of **"Shalini Shyam Shetty and another v. Rajendra Shankar Patil"** 2010 (8) SCC 329 held that:

"40. Same principles have been followed by this Court in the case of Mani Nariman Daruwala @ Bharucha (deceased) through Lrs. & others vs. Phiroz N. Bhatena and others etc. reported in (1991) 3 SCC 141, wherein it has been held that in exercise of its jurisdiction under Article 227, the High Court can set aside or reverse finding of an inferior Court or tribunal only in a case where there is no evidence or where no reasonable person could possibly have come to the conclusion which the Court or tribunal has come to. This Court made it clear that except to this 'limited extent' the High Court has no jurisdiction to interfere with the findings of fact (see para 18, page 149-150). In coming to the above finding, this Court relied on its previous decision rendered in the case of Chandavarkar Sita Ratna Rao vs. Ashalata S. Guram reported in (1986) 4 SCC 447. The decision in Chandavarkar (supra) is based on the principle of the Constitution Bench judgments in Waryam Singh (supra) and Nagendra Nath (supra) discussed above.

41. To the same effect is the judgment rendered in the case of Laxmikant Revchand Bhojwani and another vs. Pratapsingh Mohansingh Pardeshi reported in (1995) 6



SCC 576. In paragraph 9, page 579 of the report, this Court clearly reminded the High Court that under Article 227 that it cannot assume unlimited prerogative to correct all species of hardship or wrong decisions. Its exercise must be restricted to grave dereliction of duty and flagrant abuse of fundamental principle of law and justice.

42. Same views have been taken by this Court in respect of the ambit of High Court's power under Article 227 in the case of Sarpanch, Lonand Grampanchayat vs. Ramgiri Gosavi and another, reported in AIR 1968 SC 222, (see para 5 page 222-234 of the report) and the decision of this Court in Jijabai Vithalrao Gajre vs. Pathankhan and others reported in (1970) 2 SCC 717. The Constitution Bench ratio in Waryam Singh (supra) about the scope of Article 227 was again followed in Ahmedabad Manufacturing & Calico Ptg. Co. Ltd. vs. Ram Tahel Ramnand and others reported in (1972) 1 SCC 898.

43. In a rather recent decision of the Supreme Court in case of Surya Dev Rai vs. Ram Chander Rai and others, reported in (2003) 6 SCC 675, a two judge Bench of this Court discussed the principles of interference by High Court under Article 227. Of course in Surya Dev Rai (supra) this Court held that a writ of Certiorari is maintainable against the order of a civil Court, subordinate to the High Court (para 19, page 668 of the report). The correctness of that ratio was doubted by another Division Bench of this Court in Radhey Shyam and another vs. Chhabi Nath and others [(2009) 5 SCC 616] and a request to the Hon'ble Chief Justice for a reference to a larger Bench is pending. But in so far as the formulation of the principles on the scope of interference by the High Court under Article 227 is concerned, there is no divergence of views.

44. In paragraph 38, sub-paragraph (4) at page 695 of the report, the following principles have been laid down in Surya Dev Rai (supra) and they are set out:

"38 (4) 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."

45. Sub-paras (5), (7) and (8) of para 38 are also on the same lines and extracted below:

"38.(5) Be it a writ of certiorari or the exercise of supervisory jurisdiction, none is available to correct mere errors of fact or of law unless the 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.

(6) xxx xxx

(7) 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. Care, caution and circumspection need to be exercised, when any of the abovesaid two jurisdictions is sought to be invoked during the pendency of any suit or proceedings in a subordinate court and the error though calling for correction is yet capable of being corrected at the conclusion of the proceedings in an appeal or revision preferred thereagainst and entertaining a petition invoking certiorari or supervisory jurisdiction of the High Court would obstruct the smooth flow and/or early disposal of the suit or proceedings. The High Court may feel inclined to intervene where the error is such, as, if not corrected at that very moment, may become incapable of correction at a later stage and refusal to intervene would result in travesty of justice or where such refusal itself would result in prolonging of the lis.

(8) The High Court in exercise of certiorari or supervisory jurisdiction will not covert itself into a Court of Appeal and indulge in re-appreciation or evaluation of evidence or correct errors in drawing inferences or correct errors of mere formal or technical character."

49. On an analysis of the aforesaid decisions of this Court, the following principles on the exercise of High Court's jurisdiction under Article 227 of the Constitution may be formulated:



(a) A petition under Article 226 of the Constitution is different from a petition under Article 227. The mode of exercise of power by High Court under these two Articles is also different.

(b) In any event, a petition under Article 227 cannot be called a writ petition. The history of the conferment of writ jurisdiction on High Courts is substantially different from the history of conferment of the power of Superintendence on the High Courts under Article 227 and have been discussed above.

(c) High Courts cannot, on the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or Courts inferior to it. Nor can it, in exercise of this power, act as a Court of appeal over the orders of Court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court.

(d) The parameters of interference by High Courts in exercise of its power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in Waryam Singh (supra) and the principles in Waryam Singh (supra) have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

(e) According to the ratio in Waryam Singh (supra), followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order only to keep the tribunals and Courts subordinate to it, 'within the bounds of their authority'.

(f) In order to ensure that law is followed by such tribunals and Courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.

(g) Apart from the situations pointed in (e) and (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of tribunals and Courts subordinate to it or where there has been a gross and manifest failure of justice or the



basic principles of natural justice have been flouted.

(h) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or Courts subordinate to it, is a possible view. In other words the jurisdiction has to be very sparingly exercised.

(i) High Court's power of superintendence under Article 227 cannot be curtailed by any statute. It has been declared a part of the basic structure of the Constitution by the Constitution Bench of this Court in the case of L. Chandra Kumar vs. Union of India & others, reported in (1997) 3 SCC 261 and therefore abridgement by a Constitutional amendment is also very doubtful.

(j) It may be true that a statutory amendment of a rather cognate provision, like Section 115 of the Civil Procedure Code by the Civil Procedure Code (Amendment) Act, 1999 does not and cannot cut down the ambit of High Court's power under Article 227. At the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227.

(k) The power is discretionary and has to be exercised on equitable principle. In an appropriate case, the power can be exercised suo motu.

(l) On a proper appreciation of the wide and unfettered power of the High Court under Article 227, it transpires that the main object of this Article is to keep strict administrative and judicial control by the High Court on the administration of justice within its territory.

(m) The object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and Courts subordinate to High Court.



(n) This reserve and exceptional power of judicial intervention is not to be exercised just for grant of relief in individual cases but should be directed for promotion of public confidence in the administration of justice in the larger public interest whereas Article 226 is meant for protection of individual grievance. Therefore, the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline pointed out above.

(o) An improper and a frequent exercise of this power will be counter-productive and will divest this extraordinary power of its strength and vitality.”

7. In the case of **Garment Craft v. Prakash Chand Goel**, 2022 (4) SCC 181, the Hon'ble Supreme Court has held that:-

“15. Having heard the counsel for the parties, we are clearly of the view that the impugned order is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappraise, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice.”

8. Considering the facts and circumstances of the case as well as the aforesaid law laid down by the Hon'ble Supreme Court, this Court does not incline to interfere with the impugned order passed by the learned trial Court. However, looking to the grievance of the petitioner, it would deem it appropriate to direct the learned trial Court to conclude the trial of the case within one year from the next date fixed



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before it.

9. It is expected that the parties shall co-operate with the trial of the case and not to take unnecessary adjournment in the proceedings.
10. With the aforesaid observation, the present writ petition is **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sumit