



2026:CGHC:12613

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 720 of 2026

Padum S/o Rohit Das, Aged About 58 Years R/o Village Jaipur, Tehsil Lakhanpur, District- Surguja, Chhattisgarh

... **Petitioner.**

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)
2. Commissioner, Surguja Division Ambikapur (C.G.)
3. Collector, Surguja District- Ambikapur (C.G.)
4. Sub Divisional Officer, (Revenue) Udaipur, Surguja (C.G.)
5. Dhaneshwar S/o Rupan, R/o Village Jaipur, Tehsil Lakhanpur, District- Surguja Chhattisgarh

... **Respondents.**

(cause title downloaded from CIS Periphery)

For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For State	:	Mr. Saumitra Kesharwani, Panel Lawyer.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

17/03/2026

1. This Writ Petition under Article 226 of the Constitution of India has been filed for the followings reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased to direct to issue a writ of certiorari or any other appropriate writ, order or

direction quashing the impugned order dated 11/05/2023 passed by the Collector, Surguja in Revenue Appeal No. 23/A-23/2022-23.

10.2 That, this Hon'ble Court may kindly be pleased to direct to issue a writ of certiorari or any other appropriate writ, order or direction quashing the impugned orders dated 25/06/2024 and 28/04/2025 passed by the Commissioner.

10.3 That, this Hon'ble Court may kindly be pleased to direct that the Collector and Commissioner acted without jurisdiction in caste determination matters, such power being vested exclusively in the District Level / High Level Caste Scrutiny Committee as per law.

10.4 That, this Hon'ble Court may kindly be pleased to restore and uphold the SDO's original final order dated 08/07/2020 dismissing Dhaneshwar's application on merits, which was passed after full statutory enquiry and is based on cogent evidence.

10.5 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to issue a fresh Scheduled Tribe certificate in favour of the petitioner and his family, strictly in accordance with the findings recorded by the High-Level Caste Scrutiny Committee, Raipur (C.G.).

10.6 That, this Hon'ble Court may kindly be pleased to restrain respondents from disturbing petitioner's land/property in question in any manner.

10.7 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favor of the petitioner."

2. Learned counsel for the petitioner submits that respondent No.5, Dhaneshwar, filed an application under Section 170-B of the Chhattisgarh Land Revenue Code, 1959 (hereinafter referred to as the "**Code 1959**") before the Sub-Divisional Officer (Revenue), Udaipur. The respondent stated therein that he belongs to the tribal 'Gond' community, but the petitioner, Padum, and his ancestors do not belong to a Scheduled Tribe community,

despite this, his land was allegedly recorded in the petitioner's name fraudulently. Based on said application, the Sub-Divisional Officer (Revenue), Udaipur, passed an order dated 08.07.2020 (Annexure-P/5) rejecting the application of respondent No. 5. A review application filed by respondent No. 4 against the said order was also dismissed. Subsequently, an appeal was preferred by respondent No.5 before the Collector, Surguja, who, vide order dated 11.05.2023 (Annexure-P/3), partly allowed the appeal. Subsequently, the matter was remitted back to the Sub-Divisional Officer (Revenue) with the observation that the District Level Caste Scrutiny Committee (for short the "**District Level Committee**") held that the petitioner's nephew, Bindeshwar S/o Rajaram Gond, does not belong to the 'Gond' tribal community. Although this fact was brought to the knowledge of the SDO (Revenue), Udaipur, however, he failed to review the order dated 08.07.2020. Consequently, the review application was dismissed by the Collector with a direction to review the order dated 08.07.2020. Thereafter, an appeal filed against the Collector's order was dismissed by the Commissioner vide order dated 25.06.2024 (Annexure-P/2), and a subsequent review application filed by the petitioner was also rejected vide order dated 28.04.2025 (Annexure-P/1).

3. Counsel for the petitioner further submits that although the District Level Committee cancelled the caste certificate of Bindeshwar (the petitioner's nephew) vide order dated 23.01.2021 (Annexure-P/4), it referred the matter to the High-Level Caste Scrutiny Committee (for short, the "**High-Level Committee**"). Subsequently, the High-Level Committee, vide order dated 21.02.2025 (Annexure-P/6), cancelled the caste certificate issued to Bindeshwar on the grounds that he obtained it through the lineage of his

great-grandmother, namely, Bandhano D/o Bhagat Gond. However, the High-Level Committee also accepted the fact that Bindeshwar belongs to the 'Gond' tribal community. Thus, since the High-Level Committee has held that the petitioner's nephew belongs to the tribal community, the impugned orders passed by the Collector and Commissioner are completely unsustainable.

In view of the above submissions, counsel prays at this stage to dispose of this petition by directing the Sub-Divisional Officer (Revenue) to pass an appropriate order in favour of the petitioner, taking into account the order dated 21.02.2025 passed by the High-Level Committee.

4. On the other hand, learned State counsel submits that the petitioner has brought nothing on record to substantiate that he has a direct blood relation with Bindeshwar S/o Rajaram Gond or that they have a common ancestor. In the absence of such a proven relationship, the petitioner cannot establish before the concerned Sub-Divisional Officer that he belongs to the 'Gond' tribal community.
5. Heard learned counsel for the parties and perused the documents placed on record.
6. A perusal of the impugned orders reveals that the decisions passed by the Authorities (i.e. the Collector and the Commissioner) were based on the order dated 23.01.2021 (Annexure-P/4) passed by the District Level Committee. In the said order it has been held that Bindeshwar S/o Rajaram Gond did not belong to the 'Gond' community, and his caste certificate was cancelled accordingly. However, upon the matter being referred to the High-Level Committee, though the said Committee vide order dated 21.02.2025

(Annexure-P/6) cancelled the Bindeshwar's caste certificate on the ground that it was obtained through the lineage of his great-grandmother, Bandhano, but after an examination of the facts and documents, the High-Level Committee accepted that Bindeshwar S/o Rajaram Gond belongs to the 'Gond' tribal community.

7. However, in the present case, the petitioner has not provided sufficient facts to substantiate the contention that he and Bindeshwar have a direct blood relation. If such a relation exists, the petitioner is at liberty to prove this fact before the Sub-Divisional Officer (Revenue), Udaipur, District Surguja/appropriate Authority, to support his claim of belonging to the 'Gond' tribal community.
8. With the aforesaid observations, this writ petition stands disposed of.
9. Pending application(s), if any, stands disposed of accordingly.
10. However, it is made clear that this Court has not expressed any opinion on the merits of the case.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Ajay