

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 255 of 2015**

1. Ghasiram S/o Mohanlal, aged about 59 years, Head of the Hindu Undivided Family consisting of four brothers and widow mother.
2. Babulal S/o Sunderlal aged about 75 years.
3. Mewalal S/o Haraprasad, aged about 67 years, representing as the Head of HUF, which consists of brother's widow Shanti Bai, son Chandradhar, daughter Ganga Bai.

All of them by Caste Brahmin, Resident of village Bodari, Tehsil Bilha, District Bilaspur (Chhattisgarh).

---- Appellants**Versus**

1. State of Chhattisgarh, through Collector, Bilaspur, Chhattisgarh.
2. Sub Divisional Officer (Revenue) Bilha, District Bilapur Chhattisgarh
3. Tehsildar, Bilha, District Bilaspur, Chhattisgarh.
4. Haraprasad S/o Motilal, aged about 53 years, by caste Dhuri, Resident of village Bodari, Tehsil Bilha, District Bilaspur Chhattisgarh.

---- Respondents

For Appellants	:	Shri S.L.Kurmi, Advocate.
For Respondents No. 1 to 3/State:	:	Shri A.S.Gaharwar, Additional Advocate General

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****07/07/2015**

1. The present appeal arises from order dated 26.6.2015 dismissing Writ Petition (C) No. 1737 of 2013.
2. The Learned Single Judge held that the Appellants had preferred a suit for declaration and permanent injunction which was dismissed.

3. The Learned Single Judge further held that the dispute between the Appellant and the private Respondent was purely private in nature which had travelled unsuccessfully in Second Appeal also. Therefore, the writ jurisdiction could not be invoked.

4. We have heard Learned Counsel for the parties and are satisfied to observe that if the Learned Single Judge was of the considered opinion that the writ petition was not maintainable, there was no occasion for him to make any observations as contained in paragraph 7 and 8 of the judgment under appeal.

5. We therefore modify the impugned order under appeal by observing that the directions contained in paragraph 7 and 8 be struck down.

6. The appeal is allowed to the limited extent indicated above.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE