

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 212 of 2015

1. Satyadarshan Yogashram (Regd. Society)
2. President Swami Asheshanand Saraswati Satyadarshan Yogashram (Registered Society), Both Address- Block No. 14, Plot No. 01, Civil Lines, Near Gandhi Udhyan, G.E. Road Raipur, Tah & Distt. Raipur, (Chhattisgarh), Pin 492001

---- Petitioners

Versus

1. Bihar School Of Yoga (Regd. Society). Address- Gangadarsan, Andar Kila Munger, Kotwali, Post & District Munger (Bihar), Pin 811201 through Aam Mukhtiyar Swami Sambhunath Saraswati Shishya Late Shri Swami Satyanand Saraswati, R/o Satyanand Ashram, G.E. Road, Rajnandgaon, Tahsil & District Rajnandgaon on behalf of Bihar School of Yoga, Ganga Darshan Munger (Bihar) Pin 491441
2. Government Of Chhattisgarh Through Vanijya Avm Udyog Vibhag, Through Special Secretary, Shri V.K. Chablani, R/O Mahanadi Bhawan Mantralaya, Thana Rakhi, Naya Raipur, Tah & District Raipur (Chhattisgarh)
3. Government Of Chhattisgarh, Through Registrar, Forms Avam Sansthaen, R/O Chhattisgarh Vibhagadhyaksh Bhawan, Block-A, Tritiya Tal, Naya Raipur, Thana Rakhi, Tah & District Raipur, (Chhattisgarh)
4. Government Of Chhattisgarh Through Collector Shri Ramsingh Thakur, Raipur, District Raipur (Chhattisgarh)
5. Government Of Chhattisgarh Through S.D.O. (Revenue), S.K. Agrawal, Raipur, Tah & District Raipur (Chhattisgarh)
6. Shri B.K. Agrawal Urf Bipin Agrawal S/O Shri Trimbak Narayan Agrawal R/O 44/106, Barsar Bangale Ke Baju, Rajkumar College Parisar, G.E.Road, Raipur (Chhattisgarh)
7. Smt. Lalita Dwadashi Urf Lalita Rav W/O Shri D. Ravishankar Rav R/O F-14, Sinchai Colony, Shanti Nagar, Raipur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Prakash Jeet Jha, Advocate
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/03/2015

1. Petitioners are aggrieved by the order passed by the trial Court on their application under Section 151 of Code of Civil Procedure (for short, 'CPC') refusing to exercise inherent powers to restrain the opposite parties from interfering with the petitioners possession over the suit property and not to alienate the property during pendency of the suit.
2. A reading of the order passed by the trial Court would reveal that an order directing the parties to maintain status-quo has already been passed by the trial Court on 27/02/2012 and 05/03/2012. Complaining failure of the such order petitioners have already preferred an application under Order 39 Rule 2A of the CPC which is pending consideration before the trial Court.
3. Learned counsel for the petitioner would submit that despite order of status-quo, the opposite party is interfering with the petitioners possession and is trying to alienate the property, therefore, the occasion for moving the present application arose.
4. In the opinion of this Court, once an order granting temporary injunction directing the parties to maintain status-quo has already been passed, a separate order is not required. As long as the previous order remains intact, the parties are bound to obey the same. In the event the order is violated, the remedy for the petitioner lies in moving appropriate proceeding. As a matter of fact, petitioner has already availed the remedy under Order 39 Rule 2A of CPC, which is pending consideration.
5. For the foregoing, this Court does not find that the trial Court has committed any illegality or irregularity while rejecting petitioners' application.
6. Considering the law laid-down by the Supreme Court in the matter of ***Surya Dev Rai Vs. Ram Chander Rai and Others* {(2003) 6 SCC 675}**; ***Shalini Shyam Shetty and Another Vs. Rajendra Shankar Patil* {(2010) 8 SCC 329}** and ***Sameer Suresh Gupta through pa holder Vs. Rahul Kumar Agarwal* {(2013) 9 SCC 374}**, reiterating the scope of interference under Article 227 of the Constitution of India, the present is not a fit case for interference.
7. Accordingly, writ petition is dismissed.

J U D G E