

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 625 of 2015

1. Renuka Nair W/o K.N. Premnath Nair Aged About 48 years R/o Shop No. 154, Zonal Market Sector- 10, P.S. Sector- 6, Bhilai, Tahsil & District- Durg (Chhattisgarh)

---- Petitioner

Versus

1. Steel Authority Of India Limited Through C.E.O. Bhilai Steel Plant, Bhilai, District- Durg (Chhattisgarh).
2. Executive Director / Personnel And Administration, Ispat Bhawan, 2nd Floor Bhilai Steel Plant, Bhilai, District - Durg (Chhattisgarh)
3. General Manager, Town Administration Department, Indira Palace, Bhilai Steel Plant, District Durg (Chhattisgarh).
4. Estate Officer, Bhilai Steel Plant Bhilai, Maroda Sector, Office Of Eviction Officer (Estate Department) Bhilai Steel Plant, Bhilai, District- Durg (Chhattisgarh)
5. Pankaj Agrawal S/o P. N. Agrawal Aged About 40 Years Proprietor, Agrawal Homeopathic Clinic, Shop No. 155, Zonal Market Sector 10, Bhilai, District Durg (Chhattisgarh)

---- Respondents

For Petitioner.
For Respondent.

: Shri B. P. Singh, Advocate.
: Shri Shailendra Shukla, Advocate on advance copy.

Order On Board

05/08/2015

Heard.

1. This petition has been filed by the petitioner under Article 227 of the Constitution of India against the order dated 16.07.2015 by which petitioner's application for temporary injunction has been rejected.

2. Learned counsel for the petitioner submits that though earlier application for grant of temporary injunction was rejected by the trial Court vide order dated 09.01.2015, the petitioner filed a fresh application for temporary injunction as the respondent authorities started demolition. He submits that once the application for grant of temporary injunction has been filed by the petitioner, the respondent authorities ought not to have proceeded with the demolition and should have awaited decision of the application. He further submits that court below has wrongly recorded a finding only on the ground that application for grant of temporary injunction was rejected, ignoring that a fresh cause of action had arisen.

3. Indisputably, the petitioner had moved an application for grant of temporary injunction against the respondent, apprehending demolition/dispossession in respect of the same suit premises, which is the subject matter of consideration in the pending suit. Learned trial Court rejected application for temporary injunction holding that no prima facie case is made out. The petitioner has not brought on record any material to show that this order of rejection was assailed by filing any appeal. After some time, the petitioner again moved an application for grant of temporary injunction in respect of the same suit premises on the ground that now the respondents are proceeding to demolish the construction.

4. The order passed by the court below shows that the petitioner's application for grant of temporary injunction was earlier rejected. There is no illegality in the order impugned passed by the trial Court, therefore, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

Judge