

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 774 of 2015

- 1. Gandhi Vidyapith Gandhi Nagar Ambikapur Through :- The Secretary Smt. Urmila Singh, W/o Ramapati Singh, Aged About 61 Years, R/o Gandhinagar Ambikapur, Tahsil Ambikapur, Police Station Gandhinagar, District Surguja (Chhattisgarh).....Plaintiffs
- 2. Gandhi Vidyapith Gandhi- Nagar, Through : - The President Ramapati Singh, S/o Tejbahadur Singh, Aged About 61 Years, R/o Gandhinagar Ambikapur, Tahsil Ambikapur, Police Station Gandhinagar, District Surguja (Chhattisgarh)Plaintiffs

---- Petitioners

Versus

- 1. State Of Chhattisgarh Through : The Collector Ambikapur, District Surguja (Chhattisgarh).....Defendants
- 2. Tahsildar Ambikapur, District Surguja (Chhattisgarh).....Defendants

---- Respondents

For Petitioners	:	Shri Bhupendra Singh, Advocate.
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

17/09/2015

Heard.

- 1. This petition has been filed by the petitioners aggrieved by order dated 23.03.2015 by which the Court has directed return of plaint with liberty to file suit for compliance of provisions contained in Section 80 (1) of CPC.
- 2. Learned counsel for the petitioners submits that even though the petitioners had sought relief in the nature of immediate and urgent nature, the Court below committed graved illegality in returning the plaint with a direction that the suit may be filed after compliance of provisions contained in Section 80 (1) of CPC.

3. The facts of the case floating on the surface are that against a notice of eviction, the petitioners filed suit after 9 days. According to the petitioners' assertion, they have been dispossessed. In that view of the matter, the Court below directed returning plaint with liberty to file suit after compliance of provisions contained in Section 80 (1) of CPC.

4. In view of the above, satisfaction of the Court below that there is no urgent and immediate need of grant of interim relief is based on relevant material and no case for interference under Article 227 of the Constitution of India is made out.

5. Reserving the aforesaid liberty, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava
J U D G E