

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 620 of 2016**

- Ved Ram S/o Shri Mehatu Ram Nayak, Aged About 64 Years R/o Village Kahpari, Police Station & Tahsil Pamgarh, Civil & Revenue District Janjgir Champa, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Collector, Janjgir, Civil & Revenue District Janjgir Champa, (Chhattisgarh)
2. Sub Divisional Officer (Revenue), Pamgarh, Civil & Revenue District Janjgir Champa, (Chhattisgarh)
3. Tahsildar, Pamgarh, Civil & Revenue District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner
For Respondents /State

Shri Paras Mani Shriwas, Advocate
Shri O.P. Sahu, Government Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****20.10.2016**

1. The present Petition under Article 227 of constitution of India has been filed assailing the order dated 16.09.2016 passed by the Second Additional Sessions judge Janjgir-Champa in Misc. Civil appeal No. 1/2016.
2. Vide the said impugned order the court below has rejected the Misc appeal preferred by the Petitioner-plaintiff whereby the Trial Court rejected the application for grant of temporary injunction under Order 39 Rule 1 & 2. The Counsel for the Petitioner submits that the Petitioner herein undoubtedly is in possession of the said suit

property for many decades. That now there is an apprehension that the respondent authorities may illegally dispossess the plaintiff herein from the said premises. He further submits that there is a lease granted infavour of the Petitioner which the Respondent Government intends to cancel and thereby an irreparable lose is expected if the lease premises is taken from the Petitioner plaintiff.

3. However, perusal of the record as also the impugned order what clearly reflects on the basis of the reply and submissions put forth on either side is that the Court below came to the conclusion that the alleged lease which is in the possession of the Petitioner has been illegally obtained by him. The property in dispute all along is shown in revenue document in the Government name or as Government land. It further reflects that the Court below taking into account the entries made in the revenue documents maintained by the Government showing the land to be government land, reached to the prima facie conclusion that no case for grant of interim injunction is made out while considering the application under Section Order 39 rule 1 & 2. Similar finding has also been given by the lower appellate court while considering Miscellaneous Appeal under Order 43 rule 1 of the CPC.
4. This Court while exercising the extraordinary jurisdiction conferred upon under Article 227 of the Constitution of India would only interfere with the order of the Court below in case there is a blatant error of fact or law to have been committed by the Court below. In the instant case the Petitioner plaintiff has not been able to establish any prima facie error of fact or law to have been committed by the Court below. Further the claim for grant of injunction has already been tested in the Miscellaneous Civil appeal where the submission which

the Petitioner raised now in the present Petition has already been thrashed out and there is no further scope of reconsidering the same while exercising supervisory jurisdiction conferred upon this Court.

5. Accordingly, the present petition being devoid of merits, same is rejected.

**Sd/-
(P. Sam Koshy)
JUDGE**