

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 276 of 2016**

Jagdish Prasad Yadav S/o Late Hiralal Yadav, Aged About 57 Years
R/o Porter South Eastern Railway, Railway Fatak Akaltara District
Janjgir Champa Chhattisgarh

---- **Petitioner****Versus**

1. Sharda Prasad Yadav S/o Late Hiralal Yadav, Aged About 62 Years R/o Village Pachrighat Juna Bilaspur, Tahsil & District Bilaspur Chhattisgarh
2. Jagannath Prasad Yadav, S/o Late Hiralal Yadav, Aged About 52 Years R/o Village Pachrighat Juna Bilaspur, Tahsil & District Bilaspur Chhattisgarh
3. Smt. Kalsha Bai Yadav, W/o Late Gyan Prasad Yadav, Aged About 41 Years R/o Village Pachrighat Juna Bilaspur, Tahsil & District Bilaspur Chhattisgarh
4. Commissioner, Nagar Palik Nigam, Bilaspur, District Bilaspur Chhattisgarh
5. State Of Chhattisgarh Through The Collector, Bilaspur District Bilaspur Chhattisgarh

---- **Respondents**

For Petitioner:	Mr. C.K. Keshwarwani and Mr. Anukul Biswas, Advocates
For State:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.04.2016**

1. The present Writ Petition has been filed challenging the order dated 25.02.2016 passed by the Sixth Additional District Judge, Bilaspur in Misc. Civil Appeal No. 1/96. By way of the impugned order the Court below has set aside the order passed by 10th Civil Judge

Class II Bilaspur in Civil Suit No. 281A/15 on 15.12.2015 refusing to grant injunction under Order 39 Rule 1 & 2 of C.P.C. and further directing status quo to be maintained by the parties as it exists.

2. The Counsel for the Petitioner submits that the Petitioner is in possession of the property and that there is a house constructed by the Petitioner on the suit property.

3. Learned Counsel for the Petitioner submits that upon the passing of order of status quo to be maintained by the parties the authorities concerned are disrupting the electricity and water supply.

4. So far as the impugned order is concerned the Petitioner has failed to show any judicial infirmity or perversity. The Petitioner has also failed to show as to how the impugned order is going to prejudicially affect the right of the Petitioner.

5. Further the impugned order has been passed on the basis of findings of fact. In addition, there is also no jurisdictional issue raised by the Petitioner.

6. Since, there is no infirmity, illegality or perversity in the impugned order, the scope of interference exercising the supervisory jurisdiction of this Court under Article-227 get diminished. This Court cannot hear the matter as if it were exercising the appellate jurisdiction. Thus, there is no merits in the petition and it deserves to be rejected.

8. However, taking into consideration the facts and circumstances of the case it is made clear that the order passed by the Court below

which is under challenge before this Court is only in respect of maintaining of status quo is regarding title and possession of the propriety and did not intend to disrupt electricity and water supply. Therefore, the impugned order shall not come in the way of the Petitioner for continuing of electricity and water supply.

9. With the aforesaid observations the Writ Petition is disposed.

Sd/-
(P. Sam Koshy)
JUDGE