

HIGH COURT OF CHHATTISGARH, BILASPUR

MA No. 63 of 2016

- Sameer Dubey S/o Late Santosh Kumar Dubey, Aged About 43 Years Director- Mangal Dubey Memorial Education Society, Behind Aamanaka, Dumartalab, Raipur, Resident Of Dunga Ji Colony, Raipur, Tahsil & District Raipur, Chhattisgarh (Plaintiff)

---- Appellant

Versus

- Pt. Ravi Shankar Shukl University, Raipur Through Its Vice Chancellor, Pt. Ravi Shankar Shukla, G.E.Road, Raipur, Tahsil & District Raipur, Chhattisgarh
- State Of Chhattisgarh, Through The Collector, Raipur, Chhattisgarh(Defendants)

---- Respondents

For Appellant : Shri B.P.Sharma, Advocate
For Respondent No.2/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

04/08/2016

In a suit filed by the plaintiff/appellant for declaration and injunction, he has also filed application under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure praying that half of the construction has already been made by him on the land in question and the defendants may be directed not to interfere in the construction work.

Learned trial judge after considering all the aspects of the case has come to the conclusion that the land in question was already acquired by the government in favour of the University and the plaintiff is an encroacher. After considering all the three principle points governing the law of injunction the trial judge has rejected the application as filed by the plaintiff/appellant.

Counsel for the appellant submits that though he has prayed for the relief for issuance of direction to the respondents not to interfere in the construction being raised by the plaintiff but purpose of filing this appeal would be served if direction is issued for early disposal of the suit and at the same time the defendants may be directed not to dispossess the plaintiff/appellant from the land in question.

Submission made by counsel for the appellant appears to be reasonable.

Present appeal is disposed of with a direction to the trial court to decide the suit as expeditiously as possible preferably within a period of six months from the next date of hearing.

Till seven months from today, the plaintiff/appellant may not be dispossessed from the suit land.

Here it is made clear that the plaintiff shall not be entitled to raise any further construction on the land in question. In case he raises any such construction, defendants would be entitled to file appropriate application for breach of order passed by this Court.

Sd/-

Pritinker Diwaker
Judge