

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.389 of 2017**

1. Smt. Maya Devi Valde Wife Of Shri Raj Kumar Valde, Aged About 56 Years Resident Of Panchsheel Nagar East B. M. Y. Charoda, P. S. And Post Patan, Civil And Revenue District Durg Chhattisgarh.
2. Smt. Malti Devi, Wife Of Shri Harimohan Sharma, Aged About 65 Years Resident Of Bus Stand, B. M. Y. Charoda, P. S. And Post Patan, Civil And Revenue District Durg Chhattisgarh .
3. Shri M. Satyanarayan, Son Of M. Suryanarayan, Aged About 65 Years Resident Of Zone - 2 , B. M. Y. Charoda, P. S. And Post Patan, Civil And Revenue District Durg Chhattisgarh.

---- Petitioners**Versus**

1. Shri Amarjeet Singh Son Of Pyarelal Chhabra, Aged About 52 Years Resident Of Guru Govind Nagar, New Bus Stand, Raipur, P. S. And Post Raipur, Civil And Revenue District Raipur Chhattisgarh.
2. Nayab, Tahsildar, Bhilai 3 , Tahsil Office Bhilai - 3, District Durg Chhattisgarh.
3. Revenue Inspector, Bhilai 3, Office Of Revenue Inspector, Bhilai - 3, District Durg Chhattisgarh.
4. Patwari, Patwari Halka No. 2, Office Of Patwari, Indira Nagar, Charoda, Tahsil Patan, District Durg Chhattigarh.
5. State Of Chhattisgarh, Through; The Collector, Durg, District Durg Chhattisgarh.

--- Respondents

For Petitioners	: Mr. C.R. Sahu & Mr. R.K. Gomasta, Advocates
For State	: Mr. Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

21/06/2017

(1) By the impugned order dated 04.04.2017, the trial Court has rejected the petitioners/plaintiffs' application under Order 26 Rule 9 read with Order 39 Rule 7 of CPC finding that there is no dispute of identity of land between the parties against which, this petition under Article 227 of the Constitution of India has been filed.

(2) Learned counsel appearing for the petitioners/plaintiffs would submit that the trial Court has committed jurisdictional error in rejecting the application and therefore, the impugned order deserves to be set-side.

(3) I have learned learned counsel for the parties and perused the impugned order.

(4) After hearing learned counsel for the petitioners and after going through the record, the respondents/defendants have clearly stated that there is no dispute of identity of land as their land is different from the land which is allegedly held by the plaintiffs. The sufficient and valid reasons have been assigned by the trial court in rejecting the application. I do not find any jurisdictional error in the impugned order.

(5) Consequently, the writ petition filed under Article 227 of the Constitution of India deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-