

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 828 of 2017**

Krishna Prasad Kushwah S/o Late Narayan Aged About 66 Years R/o Behind Of Tara Engineering Chakradhar Nagar, Raigarh Police Station Chakradhar Nagar Tahsil Civil & Revenue District Raigarh Chhattisgarh. Mob. No. - 799924356 (Judgment Debtor No. 3)

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

1. Champa Bai D/o Dhan Singh Aged About 50 Years R/o Behind Of Tara Engineering Chakardhar Nagar, Raigarh Police Station Chakradhar Nagar Tahsil Civil & revenue District Raigarh Chhattisgarh. (Decree Holder) Mo. No. - Not Known
2. Gopal Singh S/o Ram Singh Aged About 50 Years R/o Behind Of Tara Engineering Chakardhar Nagar, Raigarh Police Station Chakradhar Nagar Tahsil Civil & Revenue District Raigarh Chhattisgarh. (Judgement Debtor No. 1) Mo. No. - Not Known
3. Ganeshi Bai W/o Late Doulat Aged About 55 Years R/o Behind Of Tara Engineering Chakardhar Nagar, Raigarh Police Station Chakradhar Nagar Tahsil Civil & Revenue District Raigarh Chhattisgarh. (Died Without Legal Representatives) (Judgement Debtor No. 2) Mo. No. - Not Known

---- **Respondents**

For Petitioners : Mr. Ratnesh Kumar Agrawal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/11/17**

1. The trial Court has passed a decree in favour of respondent No. 1 (decree holder) on 31.01.2004 which has been affirmed by the Appellate Court on 14.07.2005 and during the execution of the decree, the petitioner filed an application for demarcation of the suit land which has also been dismissed by the executing Court on 22.06.2017. Feeling aggrieved against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.

2. Learned counsel appearing on behalf of the petitioner would submit that the impugned order passed by the executing Court is unsustainable and bad in law as the Khasra No. 251/7 is a government land and the petitioner cannot be evicted from the suit land. Therefore, the impugned order be set aside.

3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

4. The decree passed by the trial Court has been affirmed by the First Appellate Court and the trial Court has assigned sufficient and valid reasons in rejecting the petitioner's application and has properly exercised the discretion in which I do not find any jurisdictional error.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge