

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 138 of 2004**

1. Devidas, son of Gunchu Gond, aged about 65 years,

2. Madhuras, son of Devidas Gond, aged about 42 years,

Both are resident of Village Gadaghat, Tahsil Devbhog, District Raipur

----Appellants/plaintiffs

Versus

1. Madhuras, son of Rajiya Rawat, aged 35 years, resident of village Mainpur, Tahsil Devbhog, District Raipur (C.G.)

2. Mahanguras, son of Seetaram, aged about 50 years, resident of village Gadaghat, Tahsil- Devbhog, District Raipur

3. Khushilal, aged about 35 years, son of Seetaram Gond.

4. Heeralal, son of Seetaram Gond, aged about 30 years,

5. Roop Lal, Son of Seetaram Gond, aged about 44 years,

6. Johan Lal, son of Seetaram Gond, aged about 30 years,

7. Shayamlal, son of Seetaram Gond

7(A) Phoolwati, wd/o Seetaram Gond, aged about 65 years,

Respondents No. 3 to 7(A), resident of Village Jugad, Thana Mainpur, Tahsil Bindranawagarh, District Raipur

8. Sub Divisional Officer, Gariyaband, District Raipur (C.G.)

9. Tahsildar, Devbhog, District Raipur

10. State of Chhattisgarh through Collector, Raipur, District Raipur (C.G.)

---- Respondents.

For Appellants : Shri Rajendra Kumar Patel, Advocate.
For State : Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/09/2018

(1) Sub Divisional Officer (Revenue), Gariaband reverted the land in favour aboriginal tribes/defendants No. 2 to 7 by order dated 21.12.1992, which was also affirmed by the Additional Collector, Gariaband, thereafter the plaintiffs, who are purchaser of the said land, filed civil suit for declaration that order passed by the Sub Divisional Officer is without jurisdiction and without authority of law

(2) The trial Court, after appreciating the oral and documentary evidence, came to the specific conclusion that the order of Sub Divisional Officer passed under Section 170-B of the Code, 1959 is strictly in accordance with law and the appellants/plaintiffs are not entitled for declaration of title in their favour, which has been affirmed by the Appellate Court by the impugned judgment and decree.

(3) I have heard learned counsel appearing for the appellants and perused the records of both the courts below with utmost circumspection.

(4) Both the courts below have concurrently recorded a finding that the order of Sub Divisional Officer (Revenue) is strictly in accordance with law and even the plaintiffs did not seek declaration of order of SDO and Collector to be void in the said civil suit, which is a finding of fact based on material available on record and I do not find it either perverse or contrary to record and no question of law much less substantial question of law is involved in this appeal.

(5) Thus, the second appeal, being devoid of merit, is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

