

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Arising out of order dated 15.01.2014 in Civil Suit No. 76A of 2012 passed by the 2nd Civil Judge, Class-II, Ambikapur, District Surguja, Chhattisgarh)

Writ Petition (227) No. 97 of 2014

- Samarnath Ghosal S/o Satishchandra Ghosal, aged about 58 years, R/o Subhashnagar, Ambikapur, P.S. Gandhinagar, Tahsil Ambikapur, Civil & Revenue District Surguja, District Surguja, Chhattisgarh

---- Petitioner**Versus**

1. Ranjeet Mandal S/o Baburam Mandal, aged about 47 years, R/o Subhashnagar, Ambikapur, P.S. Gandhinagar, Tahsil Ambikapur, Civil & Revenue District Surguja, District Surguja, Chhattisgarh
2. State of Chhattisgarh through Collector Surguja, Ambikapur, P.S. & Tahsil Ambikapur, Civil & Revenue District Surguja, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Priyanka Mehta, Advocate
For Respondents 1	:	None
For State/Respondent No.2 :		Shri R.K. Gupta, Deputy Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Order on Board****09/03/2018**

1. Heard the learned counsel for the Petitioner/Plaintiff and the learned Deputy Advocate General for the State.
2. The plaintiff in a suit for declaration of title and permanent injunction on the basis of alleged adverse possession is the Petitioner in this application under Article 227 of the Constitution.
3. The Petitioner filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure (for short 'CPC') seeking an order of temporary injunction

against the defendant/private respondent from dispossessing the Plaintiff. That was dismissed by the Trial Court. Such dismissal was confirmed by the Appellate Court. Thereafter, the first defendant moved the Tehsil, Ambikapur under Section 250 (b) of the Chhattisgarh Land Revenue Code. Faced this such situation, the plaintiff moved an application invoking the inherent jurisdiction of High Court under Section 151 of the CPC for a direction to the first defendant to maintain status-quo regarding the possession of the land, in view of the rival claim of possession. That was dismissed by the Court below. Hence, this application was filed under Article 227 of the Constitution on 05.02.2014.

4. Hearing the learned counsel for the Petitioner and noticing that no interim order was granted by this Court after institution of this writ petition, the situation available in *presenti* is not to be disturbed by this Court in exercise of jurisdiction under Article 227 of the Constitution. It is recorded that the submission is that the suit is pending trial and at the stage of evidence.
5. Hence, the writ petition is closed without expressing anything on merits and preserving all the contention of the parties to be raised at final hearing of the suit.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice