

HIGH COURT OF CHHATTISGARH, BILASPUR
SA No.574 of 2004

Smt. Skhwaro Bai wife of Shri Gulapi Sahu, aged about 52 years,
resident of Gram Lafandi, Tehsil Rajim, District Raipur

---- Appellant

Versus

1. State of Chhattisgarh through the Collector, Raipur (CG)
2. Public Health Department, through the Sub Divisional Officer,
Public Health Department, Rajim, District Raipur
3. Janpad Panchayat, Fingeshwar, through the Chief Executive
Officer, Janpad Panchayat Fingeshwar, Rajim, District Raipur
4. Gram Panchayat, Lafandi, Through the Sarpanch/Secretary,
Gram Panchayat Lafandi, Tehsil Rajim, District Raipur

---- Respondents

For Appellant : Mr.B.P.Sharma and Ms Trishna Das, Advocates
For Respondents No.1 & 2: Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26.11.2018

1. The plaintiff's simplicitor suit for permanent injunction restraining the the State and its authorities was dismissed by the trial Court, which was upheld by the First Appellate Court, against which, this second appeal under Section 100 of the CPC has been filed.
2. Learned counsel for the appellant/plaintiff would submit that both the Courts below are absolutely unjustified in dismissing the suit and holding that dispute is referable under Section 57 (2) of the Chhattisgarh Land Revenue Code, 1959.
3. I have heard learned counsel for the appellant and perused the records of the Courts below.

4. The plaintiff filed bare suit for permanent injunction. Both the Courts below have recorded a finding that the suit land is government land being embankment of tank and bore-well has been dug on the embankment (medh) of the said tank, which is supported by plaintiff herself and her witnesses Sakharam (PW-2) and Mohan (PW-3), as such, two Courts below have concurrently and rightly held that the suit property is governmental property and therefore, rightly declined to grant permanent injunction in favour of the plaintiff, in which I do not find any perversity or illegality much less substantial question of law.
5. Accordingly, the second appeal being devoid of merit is liable to be dismissed and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-