

HIGH COURT OF CHHATTISGARH, BILASPURSecond Appeal No.540 of 2006

Nand Kishore, S/o Shivilal, aged about 45 years, caste Raunir, R/o
Village Jarhi, Tahsil Pratappur, Distt. Sarguja (C.G.)

(Plaintiff)
---- Appellant

Versus

1. Manager, Bhatgaon SECL, Tahsil Pratappur, Distt. Sarguja (C.G.)
2. State of Chhattisgarh, through Collector, Sarguja, Ambikapur (C.G.)
(Defendants)
---- Respondents

For Appellant:	Mr. D.N. Prajapati, Advocate.
For Respondent No.2/State:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

28/08/2018

1. This is the plaintiff's second appeal. The plaintiff's suit for declaration that the order passed by the Bandobast Adhikari, Ambikapur cancelling the Patta granted to the plaintiff is illegal and void, has been dismissed by the trial Court and in appeal, it has been affirmed by the first appellate Court on merits as well as on the ground of suit being barred by limitation.
2. In second appeal preferred, learned counsel for the appellant / plaintiff would submit that the finding recorded by the two Courts below on merits as well as on the question of limitation is perverse and the appeal involves substantial question of law for determination.
3. I have heard learned counsel for the parties.
4. Both the Courts below have concurrently held that the plaintiff is not the title holder of the suit land, as the Patta granted to him has rightly been revoked by the Bandobast Adhikari in a valid proceeding by

order dated 29-8-1988 as well as held that the suit challenging the said cancellation has not been brought within the period of limitation. The aforesaid finding recorded by the two Courts below is a finding of fact based on the evidence available on record, it is neither perverse nor contrary to record. No substantial question of law is involved in this second appeal and the appeal deserves to be and is accordingly, dismissed, *in limine*. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma