

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 127 of 2018

Jagnarayan, S/o. Shri Dhanushdhari, Aged About 41 Years, Caste Cherwa, R/o. Mukhya Pujari & Adhyaksha Baiga Sewa Samiti Kudargarh, Tehsil Odgi, District Surajpur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Collector Surajpur, District Surajpur, Chhattisgarh.
2. Sub Divisional Officer (Revenue) & Registrar Public Trust Surajpur, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat Odgi, District Surajpur, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Rakesh Pandey, Advocate
For State	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.02.2018

Heard

1. The present petition is against the order dated 06.01.2018 whereby rejection of the application under Order 39 Rule 1 & 2 of C.P.C. was affirmed which was originally rejected in the Civil Suit No.161-A/2011 by an order dated 29.03.2012.
2. Perusal of the order would show that a plaint was filed under Section 8 of Public Trust Act for declaration and injunction wherein prayer was made by an interim application under Order 39 Rule 1 & 2 of C.P.C. that the State be restrained to continue with the worship through the trust and the petitioner be allowed to continue their offering and pooja in the temple. The said application was rejected on the ground that *prima facie* case is not been found and under the facts and circumstances, it cannot be briefly ordered

that the petitioner be allowed to hold the Mela in the subject land barring the trust.

3. After going through both the orders, I do not find any *prima facie* illegality or perversity on such order or the order reflects that the trial Court has exceeded its jurisdiction or has failed to exercise his jurisdiction vested under the law. Therefore, I am not inclined to interfere with such order. Accordingly, the petition is dismissed. However, the trial Court is requested to expedite the trial within a period of 1 ½ years.

Sd/-
(Goutam Bhaduri)
Judge