

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 904 of 2017**

1. Kanti Bai W/o Dhirsai Raut Aged About 60 Years
2. Lakhan Raut, S/o Punaram Raut, Aged About 46 Years
3. Lagani Bai D/o Punaram Raut, Aged About 40 Years

All are R/o Village Mopka, Tahsil Bhatapara, District Baloda Bazar
Bhatapara Chhattisgarh.....Defendants

---- Petitioners**Versus**

1. Santosh Kumar S/o Dhirsai Dewangan, Aged About 42 Years
2. Dhela Bai W/o Late Dhirsai Dewangan, Aged About 70 Years
3. Dalmani S/o Dhirsai Dewangan, Aged About 38 Years

All R/o Ward No. 10, Simga, Tahsil Simga, District Baloda Bazar Bhatapara
Chhattisgarh Through Power Of Attorney Holder Namely Suresh Kumar
Dewangan, Son Of Aisram Dewangan, Aged About 30 Years, Resident Of
Village Mopka, Tahsil Bhatapara, District Baloda Bazar Bhatapara
Chhattisgarh.....Defendants

4. State of Chhattisgarh, District Collector, Baloda Bazar, District Baloda Bazar
Bhatapara Chhattisgarh.....Defendant

---- Respondents

For Petitioners	:	Shri A.P. Sharma, Advocate
For Caveator	:	Shri Sanjay Patel, Advocate on behalf of Shri S.K. Guha, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/02/2018**

1. Heard.
2. The instant petition is against the order dated 10.10.2017, whereby the

appellate Court has passed an order directing the defendants not to interfere in the possession of the land held by the plaintiff bearing Khasra No.634/2.

3. Perusal of the entire appellate Court's order would show that initially an application filed under Order 39 Rule 1 & 2 CPC was rejected, which was subject of appeal before the appellate Court. The appellate Court by its order which is under challenge has observed that certain parts of the property have been purchased by the plaintiffs and the possession prima facie found to be in favour of the plaintiffs. Since the suit is pending for declaration, permanent injunction and possession, at this stage in exercise of powers vested under Article 227 of the Constitution of India, I am not inclined to interfere with such order as I do not find any illegality in the order, which can be said that the Court has exceeded its jurisdiction vested under the law.
4. Accordingly, the petition is dismissed. However, the petitioners shall be at liberty to raise all the defense before the Court below.

Sd/-

Goutam Bhaduri

Judge

Ashu