

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (227) No. 862 of 2018

Samaru Ram Dhruw, S/o Aajam Dhruw, aged about 60 years, R/o Village Sankara, Tahsil Chhura, District Gariyaband (C.G.)

---- Petitioner / Plaintiff

Versus

1. State of Chhattisgarh, through Collector Gariyaband, District Gariyaband (C.G.)
2. Sub Divisional Officer (Revenue) Gariyaband, District Gariyaband (C.G.)
3. Tahsildar, Tahsil Chhura, District Gariyaband (C.G.)
4. Gram Panchayat Sankra, Through Secretary, Gram Panchayat, Sankra, Tahsil Chhura, District Gariyaband (C.G.)
5. Govt. Primary School Vikas Samiti, Sankara, Tahsil Chhura, District Gariyaband (C.G.)

---- Respondents / Defendants

For Petitioner	:	Mr. A. D. Kuldeep, Advocate.
For Respondents / State	:	Mr. Arun Sao, Dy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/10/18

1. The plaintiff / petitioner herein filed a suit for declaration of title and permanent injunction that the defendants be restrained from interfering with their possession and also filed an application under Order 39 Rule 1 and 2 of CPC for grant of temporary injunction which has been rejected by the trial Court finding no prima-facie case or balance of convenience and also recorded a finding that no irreparable loss will be caused to the plaintiff if temporary injunction is not granted which has been affirmed by the Miscellaneous Appellate Court against which this writ petition has been preferred.
2. I have heard learned counsel for the petitioner.
3. Both the Courts below have concurrently recorded a finding that no

prima-facie case or balance of convenience lies in favour of the plaintiff and held that no irreparable loss will be caused to the plaintiff if temporary injunction is not granted to the plaintiff which is neither perverse nor contrary to record.

4. As such, I do not find any merit in the writ petition. Accordingly, the writ petition deserves to be and is hereby dismissed. However, the trial Court is directed to expedite the trial. No cost(s)

SD/-

(Sanjay K. Agrawal)
Judge