

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 1033 of 2018**

Sanjay Singh S/o Late Ranjeet Singh, aged about 38 years, R/o Dafai No. 7, Jhagrakhand, Police Station Jhagrakhand Tahsil Manendragarh, District Koriya (C.G.) agent for Rajesh Ukmar Sahu S/o Shri Nagendra Sahu R/o Terua Baikunthpur, Gopalganj (Bihar)

---- Petitioners/Plaintiff

Versus

1. State of Chhattisgarh through the Collector, District Koriya, Baikunthpur (C.G.)
2. Tahsildar, Manendragarh, District Koriya (C.G.)
3. District Excise Officer, Baikunthpur, District Koriya (C.G.)

--- Respondents/Defendants

For Petitioner	:	Mr. Shakti Raj Sinha, Advocate.
For Respondents/State	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/12/18

1. By the impugned order dated 31.10.2018, the suit filed by the petitioner/plaintiff for declaration of title and permanent injunction restraining the respondents/State Authorities from dispossessing the petitioner from the suit land/suit shop and also the application filed for grant of temporary injunction has been dismissed by the trial Court finding no *prima-facie* case, balance of convenience and irreparable loss to the plaintiff which has been upheld by the first appellate Court against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.

2. Learned counsel appearing for the petitioner submits that the impugned order is unsustainable and bad in law and is liable to be set

aside.

3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

4. Both the Courts below have clearly recorded a finding that without permission of the competent authority plaintiff has raised Pakka construction over the suit land which is the government land for which the revenue authority has issued warrant of eviction against the plaintiff. The concurrent finding recorded by both the Courts below that no *prima-facie* case nor balance of convenience lies in favour of the plaintiff and no irreparable loss would be caused to the plaintiff if temporary injunction is not granted is a finding of fact based on material available on record in which I do find any illegality or perversity warranting interference under Article 227 of the Constitution.

5. Accordingly, the writ petition is dismissed with no order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge