

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No. 551 of 2006**

Murarilal Agrawal S/o Babulal Agrawal, aged about 45 years,
Occupation- Business, R/o Patthalgaon, District- Jashpur,
Chhattisgarh.

---- Appellant/Plaintiff

Versus

1. The State of Chhattisgarh, through Collector, Jashpur, District Jashpur, Chhattisgarh.
2. Tehsildar, Patthalgaon, District Jashpur, Chhattisgarh.

----Respondents/Defendants

For Appellant	:	Mr. A.K. Prasad, Advocate
For State/respondent No. 1	:	Mr. Sanjay Ku. Agrawal, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18.03.2019

1. Heard on the question of admission and formulation of substantial question of law in this second appeal preferred by the plaintiff under Section 100 of the Code of Civil Procedure, 1908.
2. Plaintiff's suit for declaration of title and permanent injunction challenging the order dated 20/04/1999 was dismissed by the trial Court and on appeal being preferred, it was affirmed by the first appellate Court, against which this second appeal has been preferred.
3. Learned counsel for the plaintiff submits that the order dated 20/04/1999 was without jurisdiction and authority of law and the concurrent findings recorded by both the Courts below are perverse and contrary to record and gives rise to substantial question of law for determination.
4. The plaintiff filed the suit stating that he is in possession of the suit land owned by the Government for the last 30-35 years, therefore he has perfected his title over the suit land by way of adverse

possession and has also claimed relief that the order dated 20/04/1999 directing eviction of the plaintiff is also null and void. The trial Court dismissed the suit holding that the plaintiff is not in possession of the suit land and the challenge to the order dated 20/04/1999 is also unsustainable and it has been duly upheld by the first appellate Court.

5. In order to establish adverse possession against the State Government, possession of 30 years is required. The Plaintiff, in his plaint, has stated that he is in possession of the suit land for the last 25-30 years but, both the Courts below have held that he has failed to establish that he has been in possession of the suit land for 30 years over the Government land for claiming title by way of adverse possession and even otherwise the suit for declaration of title on the basis of adverse possession is not maintainable in view of the judgment of the Supreme Court in the matter of **Gurdwara Sahib v. Gram Panchayat Village Sirthala and another**¹
6. Both the Courts below have also not found favour to challenge the order dated 20/04/1999, which is a finding of fact based on evidence on record and I do not find it either perverse or contrary to record and no question of law much less substantial question of law is involved in this appeal.
7. Accordingly, the second appeal, being devoid of merit, is liable to be and is hereby dismissed *in limine* without noticing to the other side.

Sd/-

(Sanjay K. Agrawal)

Judge