

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 22 of 2008**

Sanat Kumar, S/o Bhukhelal Rathore, aged about 47 years, R/o village – Jhafal,
Tahsil – Lormi, Distt. Bilaspur (C.G.)

----Appellant/plaintiff

Versus

1. Bare Lal, S/o Nathuram, aged about 67 years, Sarpanch Gram Panchayat –
Jhafal, Tah. - Lormi, Distt. Bilaspur (C.G.)

2. State of Chhattisgarh through Collector, Distt. Bilaspur (C.G.)

----Respondents/Defendants

For Appellants : Mr. Manoj Kumar Sinha, Advocate.
For Respondent No. 2/ State : Mr. Mateen Siddiqui, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

12/09/2019

(1) Heard on the question of admission and formulation of substantial question of law in this second appeal preferred by plaintiff under Section 100 of the Code of Civil Procedure, 1908.

(2) Learned counsel appearing for the appellant/plaintiff would submit that both the courts below have concurrently erred in not granting decree of permanent injunction and consequently possession in favour of the plaintiff by recording a finding, which is perverse to the record.

(3) The plaintiff filed a suit that he is the owner and title holder of the land bearing Khasra No. 641, area 0.26 hectare, in which the defendant No. 1 is constructing school

building by making encroachment on the plaintiff's land , in which the local commissioner was appointed and it was found that school building is being constructed on the land bearing Khasra No. 667/1 (Ka), area 1.97 acres (govt. land), as such, no construction has been made on the plaintiff's land.

(3) Both the courts below have concurrently recorded a specific finding that the school building has been constructed on the government land and the plaintiff is not entitled for injunction and recovery of possession. The said finding recored by both the courts are finding of fact based on material available on record and I do not find it either perverse or contrary to the record and no question of law much less substantial question of law is involved in this appeal.

(8) Accordingly, the second appeal, being devoid of merit, is liable to be and is hereby dismissed in *limine*.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

