

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No.380 of 2006**

Shyamlal Jaiswal, S/o Shri Mahadeo Prasad Jaiswal, Aged about 45 years, R/o Village Ajrima, P.S. Jainagar, Tahsil-Surajpur, Distt. Surguja (CG)

---- Appellant/Plaintiff

Versus

1. State of Chhattisgarh – Through the Collector, Surguja, Ambikapur (CG)
2. The Tahsildar, Surajpur, Distt. Surguja (CG)

---- Respondents/Defendants

For Appellant	:	Mr.Ashish Surana, Advocate
For Respondents/State	:	Mr.Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/02/2019

1. This is the plaintiff's second appeal under Section 100 of the CPC.
2. The trial Court decreed the suit of the plaintiff, which was reversed by the First Appellate Court on appeal being preferred by the State of Chhattisgarh.
3. Mr.Ashish Surana, learned counsel for the appellant/plaintiff, would submit that the First Appellate Court is absolutely unjustified in reversing the well merited judgment and decree of the trial Court, as such, the appeal involves substantial question of law.

4. I have heard learned counsel for the appellant/plaintiff on the question of admission of appeal.
5. The plaintiff filed a suit for declaration of title and permanent injunction stating inter-alia that he was granted patta by the competent authority on 24.12.93 (Ex.P/3), which was reviewed by that authority on 22.9.95 and therefore, all the proceedings conducted by the said officer after 8.8.94 is without jurisdiction and also sought consequential relief of permanent injunction. The trial Court granted declaration of title in favour of the plaintiff, which was reversed by the First Appellate Court.
6. It appears that the plaintiff was granted patta on 24.12.93 (Ex.P/3) under the Madhya Pradesh Krishi Prayojna Ke Liye Upyog Ki Ja Rahi Dakhlahit Bhoomi Par Bhumiswami Adhikaron Ka Pradhan Kiya Jana Vishesh Upbandh Act, 1984, but that patta was reviewed by the competent authority and order of granting patta was revoked on 22.9.95. The First Appellate Court has found that order passed under review by the competent authority is in accordance with law. Further, it appears that the plaintiff is party to the order dated 22.9.95, but he has not challenged successfully the order dated 22.9.95 and has not prayed for cancellation of the order dated 22.9.95 though he is party to that order.
7. In absence of that, the First Appellate Court is absolutely justified in interfering with the judgment and decree passed by

the trial Court dismissing the suit, which is neither perverse nor contrary to record. I do not find any merit in this second appeal and even I do not find any substantial question of law for determination of this second appeal.

- 8.** Accordingly, the second appeal being devoid of merit is liable to be and is hereby dismissed in *limine*, without notice to other side. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

Pawan