

HIGH COURT OF CHHATTISGARH, BILASPURWP227 NO. 90 of 2019

Teekam Rao Morkar S/o Late Garib Ram Morkar, Aged about 59 years, Caste Mahar (Scheduled Tribe) R/o. Masanganj, Bilaspur Tahsil and District Bilaspur (C.G)

---- Petitioner

Versus

1. State of Chhattisgarh, through : The Collector, Bilaspur, District Bilaspur (C.G.)
2. Municipal Corporation Bilaspur, Through : The Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner	:	Mr. Praveen Dhurandar, Advocate
For Respondent No.1	:	Ms. Meha Kumar, P.L.
For Respondent No.2	:	Mr.P.K.Tulsyan, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****19.02.2019**

1. This is plaintiff's/petitioner's writ petition under Article 227 of the Constitution of India.
2. In a suit filed by the plaintiff/petitioner for declaration of title and permanent injunction, he has also filed an application for grant of temporary injunction. That application was rejected by the trial Court and upheld by the Misc. Appellate Court.
3. Mr.Praveen Dhurandar, learned counsel for the petitioner/plaintiff, would submit that the both the Courts below are unjustified in not granting temporary injunction in favour of the plaintiff.
4. On the other hand, Mr.P.K.Tulsyan, learned counsel for respondent No.2, would support the impugned order.
5. I have heard learned counsel for the parties and perused the

impugned order.

6. Both the Courts below have concurrently held that the plaintiff has no prima-facie case and no balance of convenience lies in his favour. The finding recorded by two Courts below that the plaintiff has no prima-facie case and no balance of convenience lies in his favour is a finding of fact based on evidence available on record. I do not find any illegality or perversity in the said finding.
7. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

Pawan