

HIGH COURT OF CHHATTISGARH AT BILASPUR**SA No. 309 of 2006**

Sadhuram Sahu, aged about 60 years, S/o Samaru Sahu, R/o Village Ghont, Tahsil Abhanpur, Distt. Raipur, Chhattisgarh.

---Appellant/Plaintiff**Versus**

1. The State of Chhattisgarh, Through Collector, Raipur, Chhattisgarh.
2. Naib Tehsildar, Nawapara, Circle Nawapara, Tehsil Abhanpur, Distt. Raipur, Chhattisgarh.
3. Presient, Shala Vikas Samiti, Village Ghont, Present President Padman S/o Fatku Dewangan, R/o Kolyari, Block Abhanpur, Tehsil Abhanpur, Distt. Raipur, Chhattisgarh.

----Respondent/Defendant

For Appellant	:	Mr. Rishi Mahobia, Advocate
For State	:	Mr. Arun Shukla, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****30/07/2019**

1. Heard on admission and formulation of substantial question of law for determination in this second appeal preferred by the plaintiff under Section 100 of the Code of Civil Procedure, 1908.
2. Mr. Rishi Mahobia, learned counsel for the plaintiff submits that both the Courts below are absolutely unjustified in dismissing the suit of the plaintiff by recording a finding which is not only perverse but is also contrary to law and gives rise to substantial question of law for determination in this second appeal.

3. I have heard learned counsel for the plaintiff, considered his submissions and went through the records with utmost circumspection.
4. Learned trial Court as well as the first appellate Court have concurrently recorded a finding that the plaintiff was never allotted the suit land bearing khasra No. 259/1 with an area of 1.35 hectares and as such, the plaintiff has encroached upon the suit land and has failed to demonstrate that the aforesaid land was ever allotted to him by the State Government or by any other competent authority.
5. The said finding recorded by both the Courts below that plaintiff was never allotted the suit land and that he has encroached upon the suit land is a finding of fact based on evidence available on record and even otherwise, the land in question has been allotted to Shala Vikas Samiti, Village Ghont, for the activities related to school. As such, I do not find any perversity or illegality in the said finding and no substantial question of law is involved for determination in this second appeal.
6. Accordingly, the second appeal is liable to be and is hereby dismissed *in limine* without noticing to the other side.

Sd/-

(Sanjay K. Agrawal)
Judge