

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 24 of 2020**

1. Sumit, S/o Mangal Singh, aged about 38 years.
2. Sukhdev Dansena, S/o Tarachand, Aged About 60 years
3. Netram Patel, S/o Mohar Sai Patel, aged about 45 years
4. Ghanshyam Turi S/o Parasram Turi, aged about 32 years

All are residents of Village Bargarh, P.S. & Tahsil Kharsiya,
District Raigarh (CG)

---- Petitioners**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Charitable Trust, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur (CG)
2. Collector Raigarh District Raigarh (CG)
3. Sub Divisional Officer (Revenue), Kharsiya District Raigarh (CG)
4. Sarwarakar Management of Siddeshwarnath Mahadev Temple Bargarh, Raigarh District Raigarh (CG)
5. Parmanand Jaiswal S/o Jagdish Jaiswal, aged about 50 years Sarwarakar of the trust of Siddeshwarnath Mahadev Temple, R/o Village Ulda, Police Station and Tahsil Kharsiya, District Raigarh (CG)
6. Ram Krishana S/o Chhabiram, aged about 50 years, R/o Village Ulda, P.H.11, Revenue Circle and Tahsil Kharsiya, District Raigarh (CG)

---- Respondents

For Petitioners	:	Mr. Manoj Jaiswal, Advocate
For Respondent No.1 to 4	:	Mr. Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri PR Ramachandra Menon, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order On Board**Per Hon'ble the Chief Justice,****12/03/2021**

1. The petitioners have moved this Court seeking for following reliefs:-

“(i) That, the Hon'ble Court may kindly be pleased to call for the entire records pertaining to petitioner's case, in the interest of justice.

(ii) That, the Hon'ble Court may kindly be pleased to direct Govt. respondent authorities to make public trust for the Siddeshwarnath Mahadev Temple Bargarh, according to MP/CG Public Trust Act, 1951, in the interest of justice.

(iii) That, the Hon'ble Court may kindly be pleased to direct respondent authorities to enquire the land with regard to donated trust property to Siddeshwarnath Mahadev Temple Bargarh as it has been illegal recorded in the revenue record in favour of private respondents, in the interest of justice.

(iv) That, the Hon'ble Court may kindly be pleased to direct respondent authorities to consider the complaint of the petitioners, in the interest of justice.

(v) That, this Hon'ble Court may kindly be pleased to grant any other relief (s) which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

2. When the matter is taken up for consideration, it is brought to the notice of this Court by Mr. Sudeep Agrawal, learned Deputy Advocate General for the State, with reference to the additional documents brought on record from the part of the petitioners, that a civil suit bearing No. A-88/2016 pertaining to an incidental issue with reference to the land acquisition proceedings, has already been preferred before the learned Additional District Judge, Raigarh, in which an interim order dated 11.03.2019 has already been granted. Learned Counsel also points out that the nature of the case projected herein cannot be adjudicated in a public interest litigation. We find considerable force in the said submission insofar as the main case of the petitioners is that some portion of the properties of the Trust has been caused to be transferred on the strength of

a 'forged Will' by creating a sham document. The conveyance is by way of a registered sale deed. The dispute projected in this writ petition cannot be adjudicated by this Court assuming the role of fact-finding agency and the reliefs can be granted only on the basis of specific pleadings and evidence to be let in after impleading the necessary parties.

3. In the said circumstances, learned counsel for the petitioners submits that the petitioners do not want to press this petition and they might be permitted to withdraw it without prejudice to their rights and liberties to pursue other appropriate proceedings in accordance with law.
4. Permission is granted. The writ petition stands dismissed as withdrawn.
5. The Registry is directed to refund the amount of Rs.5,000/- effected by the petitioners as security deposit, as the interference of this Court is not called upon.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-