

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****SA No. 116 of 2010**

- Smt. Sulochna Bai Wd/o Govind Das, aged about 21 years, R/o Village – Bendri, P.H. No.31/39, Thasil – Bhatapara, District Raipur, C.G.

**----- Appellant****Versus**

1. Thankder Gramin Jevan Nagesh aged about 42 years, Thasil – Bhatapara, District Raipur, C.G..... Hirdayaram aged about 48 years.
2. Sub Divisional Officer – Bhatapara, District – Raipur, C.G.
3. State of Chhattisgarh, through Collector Raipur, C.G.
4. Chaitram Sahu, S/o Aruparam Sahu, aged about 48 years, R/o Village Mopka, Thasil Bhatapara, District Raipur, C.G.
5. Smt. Shenaz Akhtar Kureshi, W/o not known, aged about 32 years, Ex-Sarpanch of Gram Panchayat Kusmada, Thasil – Bhatapara, District Raipur, C.G.
6. Ku, Pushpa @ Parvati, D/o Govind Das R/o Village Bendri P.H. No. 31/39, Thasil Bhatapara, District Raipur, C.G.

----- Respondents

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For Appellant :- Mr. Shailendra Sharma, Advocate.  
For State/Respondent :- Mr. Aditya Sharma, P.L.

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

**12/01/2021**

1. Heard on admission and formulation of substantial question of law in the second appeal preferred by the appellant/plaintiff No.1.
2. By the impugned judgment, the first appellate Court has dismissed the appeal preferred by the appellant/plaintiff No.1 and affirmed the judgment and decree of the trial Court by dismissing the suit.
3. Mr. Shailendra Sharma, learned counsel for the appellant/plaintiff No.1, would submit that both the Courts below are absolutely unjustified in dismissing the suit by recording a finding which is perverse, as the Patta granted in favour of the plaintiff's husband Late Mr. Govind Das was illegally revoked by the Collector and

affirmed by the Commissioner in revision without giving any opportunity of hearing, as such, the appeal involves substantial question of law for determination.

4. I have learned counsel for the parties and perused the record.

5. The suit land was originally Government land to which Govind Das, husband of appellant/plaintiff No.1, was granted Patta which was revoked by the Collector by recording a finding that Govind Das was not landless person and he and his father have owned the land to the extent of 30-40 acres which has been affirmed by the Revisional Court in revision and affirmed by the Commissioner. Thereafter, suit was filed for declaring the orders of Collector and Commissioner as illegal which has been dismissed by the trial Court and affirmed by the first appellate Court.

6. Both the Courts have concurrently held that the Patta granted in favour of appellant's/plaintiff's No.1 husband Govind

Das was rightly revoked by the Revisional Court in revision holding that Govind Das and his father had landed property to the extent of 30-40 acres and, therefore, they were not entitled for Patta in question, the said finding of fact is based on evidence available on record, which is neither perverse nor contrary to record.

7. I do not find any perversity in the impugned judgment and no substantial question of law is involved. Accordingly, the instant second appeal being devoid of merit is liable to be and is hereby dismissed in limine without notice to other side. No order as to cost(s).

**Sd/-**  
**(Sanjay K. Agrawal)**  
**Judge**

Ankit