

**HIGH COURT OF CHHATTISGARH AT BILASPUR****Second Appeal No. 341 of 2010**

1. Samaru Ram S/o Paltu Sonkar, Aged about 50 years.
2. Smt. Pushpa Devi, W/o Samaru Ram Sonkar, Aged about 47 years.

Both R/o Vindhvashni Ward, Tahsil and Distt. Dhamtari, Chhattisgarh.

**---Appellants/Plaintiffs**

**Versus**

1. Sohan Dau (dead) S/o Tribhuwan Das Goswami.
  - (a). Smt. Suraj Bai Wd/o Late Sohan Dau, Aged about 57 years.
  - (b). Kundan Lal S/o Late Sohan Dau, Aged about 32 years.
  - (c). Jitendra Kumar S/o Late Sohan Dau, Aged about 28 years.

All are legal heirs of Late Sohan Dau and all are R/o Hatari Bazar, Near Mahamaya Temple, Rajim, Tahsil Rajim, Distt. Raipur, Chhattisgarh.
2. State of Chhattisgarh, through Collector, Dhamtari, Distt. Dhamtari, Chhattisgarh.
3. Sub Divisional Officer, Revenue, Tahsil Office, Dhamtari, Distt. Dhamtari, Chhattisgarh.
4. Tahsildar Dhamtari, Tahsil Office, Dhamtari, Distt. Dhamtari, Chhattisgarh.
5. Upper (Additional) Tahsildar Nazul Inquiry, Dhamtari, Distt. Dhamtari, Chhattisgarh.

6. Revenue Inspector IN-charge, Nazul, Distt.  
Office, Dhamtari, Chhattisgarh.

--- Respondents/Defendants

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For Appellants :- Mr. B.P. Singh, Advocate

For State :- Mr. Ishan Verma, P.L.

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

**23/02/2021**

1. Heard on admission and formulation of substantial question of law in this second appeal preferred by plaintiffs under Section 100 of CPC against the impugned judgment and decree passed by the first appellate Court affirming the judgment and decree by which trial Court dismissed the suit of the plaintiffs.
2. Mr. B.P. Singh, learned counsel for the appellants/plaintiffs would submit that the concurrent finding recorded by both the Courts below that plaintiffs are not the title-holders of the suit land is absolutely perverse as the suit land has been allotted to them on 11/07/1998 in a duly constituted proceeding, as such, the appeal be admitted by formulating substantial question of law in this regard.

3. Admittedly, the suit land was allotted to defendant No. 1 on 04/07/1984 and he was holding the said suit land in that capacity. Thereafter, it is the case of the plaintiffs that the suit land has been allotted subsequently to them on 11/07/1998 vide Exhibit P/6.

4. Both the Courts below have held that since the suit land has firstly been allotted to defendant No. 1 on 04/07/1984 in a duly constituted proceeding vide Exhibit D1C and the patta granted in favour of defendant No. 1 still remains valid, therefore, the said suit land could not have been allotted subsequently to the plaintiffs and accordingly, dismissed the suit.

5. The concurrent finding recorded by both the Courts below, that allotment of the suit land made in favour of the plaintiffs is not valid as the suit land has duly been allotted to defendant No. 1 on 04/07/1984 i.e. much prior to the allotment made in favour of the plaintiffs on 11/07/1998, is a finding of fact based on evidence available on record which is neither perverse nor contrary to the record and does not involve any substantial question of law.

6. The second appeal, being devoid of merits, deserves to be and is accordingly dismissed *in limine* without notice to the other side. No cost(s).

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

Harneet