VED PRAKASH DEWANGAN
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 240 of 2026

Suraj Sahu S/o Rambihari Sahu Aged About 38 Years R/o Village Pendri, Tahsil Bhatapara, District Balodabazar-Bhatapara C.G.

... Petitioner

versus

1 - Anand Ram Sahu S/o Ramgopal Sahu Aged About 57 Years R/o Parshuram Ward Bhatapara, Tahsil Bhatapara District Balodabazar-Bhatapara C.G.

2 - Nirmala Sahu D/o Ramgopal Sahu Aged About 55 Years R/o Parshuram Ward Bhatapara, Tahsil Bhatapara District Balodabazar-Bhatapara C.G.

3 - Santoshi Sahu W/o Manoj Sahu Aged About 30 Years R/o Village Mohtara, Tahsil Bhatapara District Balodabazar-Bhatapara C.G.

4 - State Of Chhattisgarh Through Collector, Balodabazar, District Balodabazar-Bhatapara C.G.

Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. A.D. Kuldeep, Advocate
For Respondents No. 1 & 2	:	Mr. Somkant Verma Advocate, along with Mr. Utkarsh Shriwas, Advocate
For Respondent No.3	:	Mr. Shikhar Sharma, Advocate
For Respondent No.4/State	:	Mr. Rohan Shukla, Panel Lawyer

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

27/10/2026

Heard.

1. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 06/02/2026 passed by learned Civil Judge Senior Division Bhatapara in Civil Suit No. A/15/2020, whereby the application filed by the petitioner under Section 151 of CPC has been rejected.

2. Learned counsel for the petitioner would submit that the petitioner is the defendant No. 1 before the learned trial court, where the respondents No. 1 and 2 are prosecuting a suit for declaration of title and permanent injunction over the suit properties, total area 0.684 hectare of two Khasra numbers situated at village Hathni, Tehsil Bhatapara, and the house situated over it, and also the agricultural land total area 2.809 hectare of different Khasra numbers situated at village Pendri. In the said civil suit, the defendant No. 1 filed his counter claim against the plaintiffs and defendant No. 2, claiming the declaration of his title over the suit property and permanent injunction. The defendant No. 1 had pleaded in his counter claim that the suit land was recorded in the name of one Balaram Sahu, who died on 18/12/2019 issueless. His wife has also died on 02/07/2019. Thereafter, the defendant No. 2, Smt. Santoshi Sahu, got her name mutated in the revenue record over the suit land on the basis of a will allegedly executed by Balaram on 31/05/2019. The defendant No. 1 is nephew of late Balaram, and after his death, he made an application for mutation of his name as he is successor of the property. The

plaintiff No. 1 is the brother of late Balaram, who also claimed mutation over the subject property and the defendant No.2, Santoshi Sahu, had also claimed mutation of her name over the suit property on the ground that she is an adopted daughter of late Balaram. The rival claims of the parties are culminated into filing of the civil suits by both the parties and since the defendant No. 1 is in possession of the suit land, he filed an application under Order 39 Rule 1 and 2 of CPC along with his counter claim for grant of temporary injunction. The said temporary injunction was partly allowed, and the parties are restrained from alienating the suit property till final adjudication of the suit.

3. He would further submit that the plaintiffs have also filed an application under Order 39 Rule 1 and 2 of CPC, which has been dismissed by the learned trial court. The challenge of both these orders before the appellate court have been dismissed. Since the defendant No. 1 is claiming to be in possession of the suit property, and there was nuisance created by the opposite party during the harvesting of the crop, he made an application under Section 151 of CPC before the learned trial court for a direction to the police authorities to assist the defendant No. 1 in harvesting the crop which were earned by him. The learned trial court rejected the application filed by the petitioner holding that there is no interim order passed in favor of the defendant No. 1 to protect his possession or relating to his possession.

4. He would also submit that the learned trial court has observed in its order dated 06/02/2026 that the issue of possession over the suit property is a disputed question of fact which can be decided only after

recording evidence of the parties and at this stage, the defendant No. 1 cannot be permitted to harvest the crop of the subject property with the assistance of police authorities. He would further submit that to secure the interest of the defendant No. 1, the application should have been allowed by the learned trial court, yet it has been dismissed, but the same has been dismissed. Therefore, the impugned order may be set aside and the application may be allowed.

5. On the other hand, learned counsel appearing for respondents No. 1 and 2 opposes the submissions made by learned counsel for the petitioner and would submit that although the application for grant of temporary injunction filed by the respondents No. 1 and 2 have also been dismissed by the learned trial court and appellate court, but the issue of possession over the subject property is disputed by the parties and in such circumstance, the defendant No. 1 cannot be permitted to sown the crop and to harvest the same. In order to restrain the other parties in the suit property, he intentionally filed his application under Section 151, which is not bona fide, and the learned trial court has rightly rejected his application.

6. Learned counsel appearing for respondent No. 3 would also supported the impugned order passed by learned trial court and would submit that the learned trial court has not granted any interim order of injunction with respect to possession of the subject property in favor of the defendant No. 1 and the application filed by the defendant No. 1 is partly allowed to the extent that the parties shall not alienate the suit property till the pendency of the suit. There are rival claims of the parties with respect to possession over the suit property, and in such

circumstance, one of them cannot be permitted to harvest the crop with the police assistance. Therefore, there is no merit in the writ petition and the same is liable to be dismissed.

7. I have heard learned counsel for the parties and perused the documents annexed with the petition.

8. It is the undisputed facts of the present case that in the suit filed by the respondents No. 1 and 2, the defendant No. 1 has filed his counter claim. The application for grant of temporary injunction filed by the plaintiffs has been rejected by the learned trial court vide order dated 20/12/2021, and the appeal filed by the plaintiffs before the learned appellate court has also been dismissed vide order dated 29/09/2023. The application for grant of temporary injunction filed by the defendant No. 1 has been partly allowed by the learned trial court vide order dated 18/02/2025, and the parties were restrained from alienating the suit property till final adjudication of the suit and the challenge to that order by the respondent No. 3, Santoshi Sahu, has been dismissed by the appellate court vide its order dated 15/07/2025.

9. It further transpires from the record that the plaintiffs, defendant No. 1 and the defendant No. 2 all are claiming possession over the subject property by virtue of their own rights which are being denied by all the other parties. The parties also could not dispute that the original landowner, late Balaram, has died issueless and his wife has also died. The defendant No. 2, Santoshi Sahu, is claiming her right over the suit property by virtue of the alleged Will dated 31/05/2019. Thus, the issue of possession which is seriously disputed by each of the parties. In the meantime, the defendant No. 1 filed an application to

harvest the crop of the subject property with the help of police personals.

10. Since the possession over the suit property is itself is disputed, one cannot be permitted to harvest the crop in any manner as there is no any interim order passed in favor of any of the parties to protect their possession. Each of the parties are claiming their possession over the suit property and by allowing the application filed by the petitioner virtually amounts to observe his possession over the suit property, which is seriously disputed by other parties. From perusal of the impugned order dated 06/02/2026 and other documents available on record, the impugned orders passed by learned trial court with respect to the grant of temporary injunction, this Court do not find any illegality or perversity or jurisdictional error in rejecting the application filed by the petitioner by the impugned order.

11. The writ petition, therefore, fails and is hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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