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INDRAJEET SAHU
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 277 of 2022

1 - Tirith Ram S/o Nanuha Aged About 66 Years Resident of Challan, Post Office Nirjaam, Tehsil & District Mungeli Chhattisgarh.

... Petitioner(s)

Versus

1 - Smt. Sushila Bai W/o Bhanu Satnami Aged About 41 Years Resident of Gajiya Nawagaon, Tehsil and District Mungeli Chhattisgarh.

2 - Bhanu Koshley S/o Jhumuk Lal Koshley Aged About 46 Years Resident of Gajiya Nawagaon, Tehsil and District Mungeli Chhattisgarh.

3 - State of Chhattisgarh Through Collector Mungeli District Mungeli Chhattisgarh.

4 - Smt. Sahodra Bai W/o Krishna Kumar Aged About 36 Years Caste Satnami, Resident of Village Gajiya Nawagaon, Tehsil and District Mungeli Chhattisgarh.

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Binu Sharma, Advocate.
For Respondents 1&2	:	Shri Vishwanath Prasad Shrivas, Advocate.
For State	:	Shri Malay Jain, Panel Lawyer.
For Respondent No.4	:	None though served.

Hon’ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

30.10.2026

1. The present writ petition under Article 227 of the Constitution of India has been filed by the petitioner against the impugned order dated

13.04.2022 passed by Additional District Judge, Mungeli in Misc. Civil Appeal No.02/2019, whereby the Misc. Appeal of the petitioner has been dismissed and the order dated 04.12.2018 passed by IInd Civil Judge, Class-I, Mungeli, in Civil Suit No.S-9A of 2017 has been affirmed.

2. Learned counsel for the petitioner would submit that petitioner is the plaintiff before the trial court where he filed a suit for declaration of title and permanent injunction with respect to suit property by claiming that he purchased the suit land bearing Khasra No.3/4, Area 1.38 Acre through registered sale deed and is in possession of the same. The suit land was acquired by the State Govt. for construction of Bilaspur-Mungeli-Pandariya bypass road and award was passed by the defendant No.3 in the year, 2016 by determining its compensation. Though plaintiff was title holder of 53 dismil of land which was acquired out of total purchased land by the plaintiff, but compensation was determined in the name of defendant No.1-Sushila Bai on the basis of entries made in the revenue record. Since the petitioner was in possession of the suit property by virtue of registered sale deed, he is entitled for compensation of the acquired land for which he filed the suit.

3. In the suit, the defendant No.1 filed a counter claim for permanent injunction with respect to disbursement of compensation to the plaintiff. Along with counter claim, the defendant No.1 filed an application under Order 39 Rule 1&2 of CPC for grant of temporary injunction with the averment that defendant No.1 had purchased the land of Khasra No.1/1 from Sneha Kesharwani and is in possession of the same. She

purchased the suit land through registered sale deed dated 31.03.2010 admeasuring 3.53 Acre, out of which 53 dismil of land is being acquired by the State Govt. therefore, she is entitled for its compensation. The trial court, after hearing the parties, rejected the application filed by the defendant No.1 vide its order dated 04.12.2018 holding that prima facie case, balance of convenience and irreparable loss is not found in favour of defendant No.1, however, the trial court observed in its order that both the parties i.e. plaintiff and defendants No.1&4 are in possession of the subject land and cultivating the same. Being aggrieved by the said order dated 04.12.2018 and observations made by the trial court that both the parties are in possession of the suit property, they (both the parties) separately filed their appeals before Ist Additional District Judge, Mungeli. The petitioner filed Misc. Appeal No.02/2019 whereas the respondent No.1 filed Misc. Appeal No.03/2019. After hearing the parties, both the appeals were dismissed by the trial court vide its order dated 13.04.2022 against which the petitioner has filed the present writ petition, however, the respondent No.1 has not challenged dismissal of her appeal.

4. Learned counsel for the petitioner would submit that dispute between the parties is with respect to disbursement of compensation amount which is determined in lieu of acquisition of land. Since both the parties are claiming their title over the subject part of the land which was acquired by the State Govt., the dispute appears to be factual in nature which requires evidence of the parties, and therefore, in the facts that suit is pending since 2019, instead of deciding the present writ petition

on merits, the trial court may be directed to expedite the proceeding of Civil Suit and to decide the same within stipulated time period.

5. Learned counsel for the respondent No.1 submits that he has no objection if such a direction is being given to the trial court to decide the suit expeditiously in accordance with law after providing proper opportunity of hearing to the parties concerned.

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

7. From perusal of impugned order passed by the Trial Court as well as appellate court, it transpires that the main dispute between the parties are with respect to disbursement of the compensation and its apportionment for the land acquired by the State Govt. Both the parties are raising their rival claim that they have purchased the subject property which has been acquired by the State Govt., therefore, they are entitled for compensation. Title of parties, their possession and entitlement of compensation are all disputed questions of fact, to be decided after recording evidence of the parties concerned.

8. As has been claimed by both the parties that instead of deciding the present petition on merit, the trial court may be directed to decide the suit as early as possible, this court deem it appropriate to dispose of the present writ petition directing the trial court to expedite the proceeding of Civil Suit No.S-9A/2017 and to conclude the same as early as possible.

9. Accordingly, the present writ petition is disposed of. The trial court is directed to expedite the proceeding of Civil Suit No.S-9A/2017 and to conclude the same as early as possible preferably within a period of

eight months from the date of receipt of copy of this order after providing proper opportunity of hearing to the parties concerned, in accordance with law on its own merit. It is expected that the parties shall cooperate for expeditious disposal of the suit and shall not take any unnecessary adjournments in the proceeding.

10. The writ petition accordingly stands disposed of. Interim order dated 11.05.2022 is vacated.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder