

C.S. 1072
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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 2864 /2004

PETITIONER

Panchram, son of Shri Rambilash
Satnami, aged about 40 years,
Resident of - Darri, Tah - Kasdol,
Distt. Raipur (Chhattisgarh)

VERSUS

RESPONDENTS

1. Jairam Kaiwartya, resident
of Darri, Tah. Kasdol, Distt.
Raipur (Chhattisgarh)
2. The State of Chhattisgarh,
through : the District Collector,
Raipur (CG)

P. R. No. 2866/04
Presented by Shri P. P. Sahi
dated 24-8-04

WRIT PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF
INDIA

May this please to your Lordship.

आदेश पत्रक

W.P. No. 2864/04 सन् 200

मामला क्रमांक

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>30.09.2004</p> <p>Shri P.P. Sahu, counsel for the petitioner.</p> <p>Shri Sumesh Bajaj, Deputy Government Advocate for the State.</p> <p>Heard at the admission stage.</p> <p>The petitioner has preferred this writ petition under Article 227 of the Constitution of India questioning the legality, propriety and correctness of the order-dated 27.7.2004 (Annexure P-1) passed by learned Additional District Judge, Baloda Bazar in M.C.A. No.01/2004 whereby learned Additional District Judge affirmed the order dated 17.01.2004 passed by learned Civil Judge Class-II, Baloda Bazar in Civil Suit No.66A/2003 rejecting the application of the petitioner herein filed under Order 39 Rules 1 & 2 of C.P.C.</p> <p>Brief facts leading to filing of this petition are that as per the petitioner's own case there is a government grassland existing in Village Darri, Tehsil Kasdol bearing Khasra No.162/2 area 2.703 hectares, out of total area of said grassland the petitioner is in possession of 0.40 hectares since last 20 years and he is continuously doing the agricultural operations on that land. Respondent No.1-Sarpanch of Village Darri in order to dispossess the petitioner from the said portion of the land convened a meeting of Gram Panchayat and allotted the land in question to 15 persons under a scheme known as 'Hareli Saheli' for the purpose of plantation, those persons are digging pits in the land in question and they are not allowing the petitioner to operate the agricultural operations in the land which is in possession of the petitioner.</p> <p>Learned Trial Court and Appellate Court after hearing the parties in the matter and after going through the record reached to the</p>	

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आदेश पत्रक

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>conclusion that the land in question is admittedly a government grassland and the petitioner has not been able to establish its possession or title on the land in question, therefore, the petitioner has no prima-facie case and the points of balance of convenience and irreparable loss are also not established in favour of the petitioner, therefore, rejected the application filed by the petitioner herein.</p> <p>As both the courts below have arrived to the above finding after going through the record and learned counsel for the petitioner herein also failed to demonstrate that how the findings of the court below is perverse and contrary to the record or settled principle of law, therefore, I do not find any substance in this petition to invoke the jurisdiction under Article 227 of the Constitution of India, as the supervisory jurisdiction under Article 227 of the Constitution can be exercised for keeping the subordinate courts within the bounds of their jurisdiction. When the subordinate court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or the jurisdiction though available is being exercised by the court in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby, the High Court may step into exercise its supervisory jurisdiction.</p> <p>In the result, I do not find any substance in this petition, same is liable to be dismissed and accordingly, it is dismissed at the admission stage itself.</p>	<p>Sd/- L.C. Bhadoo Judge</p>

[पीछे देखिये]

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