



2026:CGHC:9860



2026:CGHC:9860

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 244 of 2026

- 1 - Smt. Umawati Choudhary W/o Late Meenketan Choudhary Aged About 68 Years R/o Village And Post Libra, Tahsil Lailunga, District Raigarh C.G. (Wrongly Mentioned As Tahsil Tamnar In The Impugned Order Dated 26.12.2025)
- 2 - Shambhu Choudhary S/o Late Meenketan Choudhary Aged About 49 Years R/o Village And Post Libra, Tahsil Lailunga, District Raigarh C.G. (Wrongly Mentioned As Tahsil Tamnar In The Impugned Order Dated 26.12.2025)
- 3 - Sagar Choudhary S/o Late Meenketan Choudhary Aged About 48 Years R/o Village And Post Libra, Tahsil Lailunga, District Raigarh C.G. (Wrongly Mentioned As Tahsil Tamnar In The Impugned Order Dated 26.12.2025)
- 4 - Smt. Dhankunwar Choudhary D/o Late Meenketan Choudhary Aged About 54 Years R/o Hastal Para, Kharwani, Tahsil Baramkela, District Sarangarh-Bilaigarh C.G.
- 5 - Smt. Kushal Patel D/o Late Meenketan Choudhary Aged About 59 Years R/o Ward No. 5 Salapali, Tahsil Dharamjaigarh, District Raigarh C.G.

... Petitioner(s)

versus

- 1 - Executive Director Jindal Power Limited, Tamnar, Tahsil Tamnar, District Raigarh C.G.
- 2 - State Of Chhattisgarh Through Collector Raigarh, District Raigarh C.G.

... Respondent(s)

For Petitioner(s) : Mr. Roop Ram Naik, Advocate

For Respondent(s) / : Mr. Rohitashva Singh, Dy. GA

State

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board dated 25.02.2026

This petition under Article 227 of the Constitution of India has been



filed against the order dated 26.12.2025 (Annexure P-1) passed by learned District Judge, Gharghoda, District Raigarh in Misc. Civil Appeal No. 06/2025 affirming the order dated 10.07.2025 passed by Civil Judge, Junior Division, Gharghoda, District Raigarh in Civil Suit No. 67-A/2024 rejecting the application filed by the petitioners/plaintiffs under Order XXXIX Rule 1 and 2 CPC.

2. Facts of the case in brief are that the petitioners/plaintiffs filed a suit for cancellation of sale deed dated 23.01.2008, declaration of title and permanent injunction before the Civil Court. It is stated that on 23.01.2008 the husband of petitioner No.1 and father of petitioner Nos. 2 to 5 namely Meenketan Chaudhary executed a sale deed in favour of respondent/defendant No.1 in respect of the land bearing Khasra No. 31 area 5.193 hectares situated at Village Libra, Block No. 286, Patwari Halka No. 41, Rajaswa Nigam Mandal and Block Tamnar, Tahsil Gharghoda, District Raigarh mentioned in Appendix-A. It is stated that the petitioners/plaintiffs being successors of late Meenketan Chaudhary have every right over the suit property. It is stated that the petitioners/plaintiffs came to know from the concerned Land Acquisition Officer that respondent No.1 had purchased the suit property from Meenketan Chaudhary for a consideration of Rs. 10,00,000/- and the said amount was needed by him for agriculture and construction of the house. It is stated that the suit property is their ancestral property and they were not aware of the execution of sale deed. It is also stated that after the death of Meenketan Chaudhary the suit land was mutated in their name and they are still in possession. During the pendency of the suit, the petitioners filed an application under Order XXXIX Rule 1 and 2 read with Section 151 CPC for temporary injunction on the ground that apart from being in possession of the suit land, prima facie case; balance of convenience and irreparable loss also tilt in their favour. However, learned Civil Judge, Junior Division,



Gharghoda rejected the said application vide order dated 10.07.2025, which also came to be affirmed in appeal vide order impugned herein. Hence this petition.

2. Counsel for the petitioner submits that the order impugned affirming the order dated 10.07.2025 passed by the Civil Judge, Junior Division, Gharghoda, is illegal and perverse. According to him, the fact that all the three requirements - prima facie case, balance of convenience and irreparable loss tilt in favour of the petitioners but both the Courts below have not considered the same in its proper perspective and thus committed an illegality in so doing. He submits that Meenketan Chaudhary was never in need of money and therefore there was no question for him to sell the suit land. He submits that they are still in possession of the suit land and their names also find mention in the revenue record, and therefore, the order impugned being illegal and perverse is liable to be set aside.

3. On the other hand, State counsel counsel supports the order impugned to be just and proper not warranting interference in this petition.

4. Heard counsel for the parties and perused the documents annexed with the petition including the orders impugned.

5. The petitioners have not produced any document to show that the suit land was the ancestral property, rather it appears to be the self acquired property of Meenketan Chaudhary who is said to have executed the sale deed in favour of respondent No.1. While considering the application for temporary injunction both the Courts below have given a concurrent finding that no case for granting the said relief is made out as none of the requirements for so doing - prima facie case, balance of convenience and irreparable loss stand in favour of the petitioners. The argument of the counsel for the petitioners that their names have been mutated in the revenue record, that there was no need of money for Meenketan Chaudhary to sell out the suit land to respondent No.1 and that



they are still in possession of the same, are to be decided on the basis of evidence and not at this stage in exercise of the supervisory jurisdiction under Article 227 of the Constitution of India.

6. Being so, this Court does not see any illegality or perversity in the order impugned warranting interference in this petition. Petition thus being without any merit is liable to be and is hereby dismissed.

Sd/-

(Sachin Singh Rajput)
JUDGE

Jyotishi/pawan