



2026:CGHC:8733

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WP227 No. 1353 of 2025**

1 - Smt. Shobha Jain W/o Shri Shanti Lal Jain Aged About 58 Years R/o C-11, Sai Nagar, Devendra Nagar, Near Chotti Railway Line, Raipur, District : Raipur, Chhattisgarh

... Petitioner**versus**

1 - Arsivalli Kalidas S/o Shri A. Venkatramana (Name Correctly Mentioned) R/o Sector 2, Gali No. 2, Shivanand Nagar, Khamtarai, Raipur, C.G. , Another Address- E- 1420, Bhairav Residency, Kanakia Road, Mira Road (East), District And Police Station Mumbai, Maharashtra

2 - Land Acquisition Officer Sub-Divisional Officer (Revenue), Raipur, Chhattisgarh

3 - State Of Chhattisgarh Through District Magistrate, Raipur, Chhattisgarh

... Respondent(s)

(Cause title is taken from CIS)

For Petitioner	: Ms. Sharmila Singhai, Senior Advocate assisted by Ms. Aakansha Jain, Advocate
For Respondent No.1	: Mr. Yogesh Chandra, Advocate
For State/Respondents No.2 & 3	: Mr. Keshav Prasad Gupta, Govt. Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board**18/02/2026**

1. This writ petition under Article 227 of the Constitution of India has been filed assailing the illegality and correctness of judicial propriety of order dated 12.11.2025 passed by the learned 1st District Judge, Raipur, District Raipur (C.G.) (hereinafter referred as 'District Judge') in a Miscellaneous Civil Appeal No.50/2025, whereby the order dated 28.04.2025 passed by the learned 1st Civil Judge, Junior Division, Raipur, District Raipur (C.G.) (hereinafter referred as 'Civil Judge') in suit No. 96A/2022 has been affirmed.
2. Learned senior counsel for the petitioner submits that the subject property in dispute between the petitioner and respondent No.1 is comprised in a piece of Khasra No.781/55, 781/57 admeasuring 6994 Sq.ft. situated at Mouja Jarvai-Heerapur, PH No.103, RNM – Raipur-1, Tehsil & District – Raipur (C.G.). She further submits that the petitioner happens to be plaintiff and filed a civil suit before the learned Civil Judge for declaration of title and permanent injunction in respect of the subject property. The suit was filed at the strength of sale deed dated 19.07.2011 executed by Naresh and Praveen Thakkar in favour of the petitioner. Along with the plaint, an application under Order 39, rule 1 & 2 of CPC was also filed. The learned Civil Judge vide its order dated 28.04.2025 dismissed the application of the petitioner and refused grant of temporary injunction against which the petitioner has preferred Miscellaneous

Civil Appeal before the learned District Judge which was also dismissed by the impugned order affirming the order passed by the learned Civil Judge.

3. Learned counsel for the petitioner submits that the petitioners claim is based upon sale deed executed in the favour of petitioner in respect of subject property. The revenue records also suggests that the petitioner is the title and possession holder of the suit property. This aspect of the matter has not been properly considered by the learned Civil Judge as well as by the learned District Judge, thus this writ petition is filed for seeking grant of temporary injunction.
4. Opposing the submission made by learned counsel for the petitioner, learned counsel for the respondent Mr. Yogesh Pandey submits that the claim of the petitioner is misplaced. The respondent No.1 who was the defendant before the learned Civil Judge has also filed its written statement in reply to the application under Order 39 rule 1 of CPC. According to the defence of the respondent No.1, he has purchased the suit land by registered sale deed dated 16.11.1989 from Uma Banerjee & Shyamal Banerjee. Thus, when the earlier sale deed was in favour of the defendant No.1 purchased a suit land comprised in a piece of Khasra No. 781/41. Both these properties are different, thus no relief can be claimed against the defendant No.1.
5. At this stage, learned senior counsel for the petitioner submits that in the event, the defendant No.1 is allowed to make third party interest over the suit property, it may cause irreparable loss.

6. Learned counsel for the respondents submits that though the property which was purchased by the petitioner are in different Khasra numbers and the respondent No.1/defendant No.1 is occupying the property as mentioned in the sale deed dated 16.11.1989 and he is not entitled to sale the property purchased by him. In view of submission made herein-above, this writ petition is disposed of affirming the order passed by Civil Judge and District Judge, however, it is expected that no third party interest would be created in respect of the subject property by either of the parties.
7. At this stage, learned counsel for the parties submits that this suit was filed in the year 2022 and it is at the stage of evidence, thus the learned Civil Judge may be directed to conclude the suit within a reasonable period of time.
8. Taking into consideration the submissions made herein-above, this Court is not inclined to issue a mandatory direction to the trial Court to conclude the suit within a fixed time frame. However, considering the nature of dispute, it is expected that learned trial Court shall make an earnest endeavour to expedite the trial and conclude the proceedings at the earliest possible subject to cooperation of the parties.
9. With the above observations, the writ petition stands disposed of.
10. All pending applications, if any, shall stands disposed of.

Sd/-

(Sachin Singh Rajput)
Judge