
(2018) 09 CHH CK 0198

Chhattisgarh High Court

Case No: Second Appeal No. 174 Of 2004

Nand Kumar

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 12, 2018

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: R. S. Patel, Arun Sao

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. The plaintiff's suit for declaration of title and permanent injunction and further relief that the order passed by the Sub-Divisional Officer on

06.03.1992 vesting the suit land in favour of the Government is null and void was dismissed by the trial Court finding no merit and the appeal was also

dismissed by the First Appellate Court affirming the judgment and decree, against which this second appeal has been preferred.

2. Learned counsel for the petitioner/ plaintiff submits that the concurrent findings recorded by both the Courts below are perverse and contrary to law

and it involves substantial question of law for determination.

3. I have heard learned counsel for the petitioner.

4. The plaintiff's suit claiming to be the Pujari / Sarwarakar of the Radha Krishna Temple came to be dismissed holding that temple was constructed

by Late Shri Neelmadee and he appointed Shri Tilak Nath Mishra as Pujari of the temple and donated 28.20 acre of his land in favour of temple for

maintenance and care of the temple. It was further held that after the death of Shri Tilaknath (Pujari) his wife Sonabai was appointed as Pujari of the

said temple, but thereafter Shri Nandkumar was appointed as Pujari / Sarwarakar by the family members of Neelmadee and plaintiff was not

appointed as Pujari / Sarwarakar. It was further held that said temple and the property of the temple has vested in the State by order of competent

authority and order of said authority has been upheld by Sub-Divisional Officer. The said finding has been affirmed by the First Appellate Court. I do

not find any perversity and illegality in the said finding. As such this appeal does not involve any substantial question of law for determination.

5. Accordingly, the second appeal deserves to be dismissed. No cost(s).