

(2018) 09 CHH CK 0401
In the Chhattisgarh High Court
Case No : Second Appeal No. 445 Of 2003

Savitri Devi

APPELLANT

Vs

Secretary, Forest Department, State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 26-09-2018

Acts Referred:

Code Of Civil Procedure 1908 — Section 100
Forest Conservation Act, 1980 — Section 2(iii)

Citation : (2018) 09 CHH CK 0401

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : D. N. Prajapati, Arun Sao

Final Decision : Dismissed

Judgement

Sanjay K. Agrawal, J

1. This is plaintiff's second appeal under Section 100 of the Code of Civil Procedure, 1908 against the judgment and decree of the First Appellate

Court affirming the judgment and decree of the trial Court passed in Civil Suit No. 13A/87.

2. Mr. D. N. Prajapati, learned counsel appearing for the appellant / plaintiff would submit that the concurrent finding recorded by the two Courts

below are perverse and contrary to record and it involves substantial questions of law for determination.

3. I have heard learned counsel for the appellant on the question of admission.

4. It is the case of the plaintiff that the plaintiff has purchased the suit property vide Exhibit - P/2 dated 16.04.1971 from one Girja Devi to whom patta

was granted by the Tahsildar vide Exhibit - P/7 on 06.05.1961, whereas it is the case of the State that the suit property is a forest land and the revenue

authorities have no right and jurisdiction to allot the forest land on patta to Girja Devi.

4. The trial Court, after appreciating the oral and documentary evidence on record, came to the specific conclusion that the suit land bearing Khasra

No. 56/17 and 57/7 admeasuring total 9.66 acre of land is a forest land and revenue authorities have no right or jurisdiction to allot the said land on

patta to Girja Devi and consequently Girja Devi has no right to sale the suit land vide Exhibit - P/2 to Smt. Savitri Devi. The said finding of the trial

Court has been affirmed by the First Appellate Court.

5. The suit land is concurrently held to be a forest land by two Courts below and therefore Revenue Officer had no right to grant lease in favour of

Girja Devi vide Ex. P/7 on 06.05.1961 without prior approval of Central Government under Section 2(iii) of the Forest Conservation Act, 1980

therefore, I do not find any illegality or perversity much less for determination of substantial question of law in this second appeal.

6. Accordingly, the second appeal deserves to be and is hereby dismissed in limine. No cost(s).