

C.O. No. 1723 of 2009
with
IA No. C.A.N. 1 of 2016
(Old No. 5830 of 2016)

Gobinda Chandra Rudra
-Vs.-
The Chairman, Ranaghat
Municipality & Ors.

Mr. Prasanta Kumar Banerjee,
Ms. Indrani Nandi,
Ms. Krishna Yadav
...for the petitioner

Mr. Achintya Kumar Banerjee,
Ms. Indumouli Banerjee
...for the Ranaghat Municipality

In Re: C.A.N. 1 of 2016 (Old No. C.A.N. 5830 of 2016)

In view of sufficient grounds having been made out by the petitioner for the absence of representation of the petitioner on the relevant date, when the revisional application was dismissed for default, C.A.N. 1 of 2016 (old No. C.A.N. 5830 of 2016) is allowed, thereby recalling the order dated May 17, 2016 passed by the Hon'ble Justice Malay Marut Banerjee (as His Lordship then was) and restoring C.O. No. 1723 of 2009 to its original file and number.

There will be no order as to costs.

In Re.: C.O. No. 1723 of 2009

The limited grievance of the plaintiff/petitioner is that the trial court, while rejecting the second application of the petitioner for a direction upon the concerned Block Land & Land Reforms Officer (B.L.& L.R.O.) to produce certain documents on the ground that the B.L. & L.R.O. referred to in a query of the petitioner seeking such documents, relied on the sole ground that those were not available in the records of the B.L. & L.R.O.

However, the documents-in-question are germane for a proper and complete adjudication of the suit in view of the plaintiff/petitioner having prayed for mandatory injunction in respect of the property covered by the said documents, to which a defence has been taken that the same has vested in the State.

The trial court apparently proceeded merely on the footing that the answer to the query, given by the concerned B.L. & L.R.O. is sacrosanct, without considering the extreme relevance of the documents sought for by the petitioner for a proper and complete adjudication of the suit.

In such view of the matter, the trial court ought to have passed a direction on the B.L. & L.R.O., Ranaghat-I, District-Nadia, to supply the documents, as sought for by the petitioner. The B.L. & L.R.O., and or any other competent person so authorized on her/his behalf, shall produce the documents and, if unable to do so, will be at liberty to show the reasons for such failure, subject to the satisfaction of the court.

Accordingly, C.O. No. 1723 of 2009 is allowed, thereby setting aside Order No. 112, dated March 04, 2009 and directing the trial court to take immediate steps for issuance of summons on the B.L. & L.R.O., Ranaghat-I, District-Nadia, to furnish the documents, as prayed for by the revisionist petitioner in his application dated January 07, 2009, filed in connection with Title Suit No. 83 of 1996, pending in the First Court of Civil Judge (Junior Division) at Ranaghat, District-Nadia for being tendered as evidence in the suit, if necessary.

The court below is requested to expedite the process of such production to the extent possible.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the

parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)