

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.307 of 2016**

1. State Of Chhattisgarh Through : The Manager, Government Cattle Breeding Farm, Government Dairy Farm, Sarkanda, Tehsil & District Bilaspur (Chhattisgarh)
2. The Officer In Charge, Pashu Chikitsa Sahayak Shalyagya, Government Poultry Farm, Bilaspur Tahsil & District Bilaspur (Chhattisgarh)
3. The Secretary, Agriculture (Veterinary) Department, Government Of Chhattisgarh, Mantralaya Bhawan, Raipur (Chhattisgarh)
4. The Collector, Bilaspur (Chhattisgarh)

---- Petitioners**Versus**

1. Pawan Kumar Agrawal S/o Late Rai Sahab Banwari Lal Agrawal, Sarkanda, District Bilaspur (Chhattisgarh)
2. Krishna Kumar Agrawal, S/o. Shri Pawan Kumar Agrawal, Prop. Krishna Vihar Colony, S/o Late Smt. Bela Devi Agrawal, W/o Shri. Pawan Kumar Agrawal, R/o New Sarkanda, Bilaspur (Chhattisgarh)
3. Avinash Mehta, S/o Late Chunnilal Mehta, (Adopted Son) Sarkanda, Bilaspur (Chhattisgarh)
4. Shri. M.K. Gupta, Then Tehsildar, (O.I.C.) 1988-89) Through : The Secretary, Department Of Revenue, Government Of Chhattisgarh, Mantralaya Bhawan, Raipur (Chhattisgarh)
5. Dr. L.M. Shrivastava, Pashu Chikitsa Sahayak Shalyagya, Office Of Joint Director, Veterinary Services, Bilaspur (Chhattisgarh)
6. N.K. Sahariya, Upper Collector, Raigarh, District Raigarh (Chhattisgarh)

--- Respondents

For Petitioners/State	:	Shri Syed Majid Ali, Panel Lawyer
For Respondents No.1 & 2	:	Shri N.L. Soni, Advocate.
For Respondent No.3	:	Shri Ritesh Verma, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****18/07/2016**

The petitioners/plaintiffs are aggrieved by the order dated 21.03.2016 passed by the 9th Additional District Judge, Bilaspur, closing their right to lead evidence.

2. The plaintiffs have filed a suit for declaration of title and permanent injunction as also for setting aside the judgment and decree dated 23.03.1989 passed in Civil Suit No.14-A/1988.
3. On bare perusal of the impugned order, it is revealed that the suit was fixed for evidence for the first time on 25.01.2010 and thereafter several opportunities were allowed in favour of plaintiffs to produce witnesses.
4. Having heard learned counsel for the parties and on perusal of papers, it would appear that the petitioners were negligent in conducting the trial of the suit. However, at the same time, the State should not suffer for the mistake committed by the Officers of the plaintiffs' department. One of the plaintiffs is Collector, Bilaspur, however, it may be possible, the Officers of the concerned department did not bring it to the notice of the Collector, Bilaspur.
5. Considering the entirety of the circumstances, the writ petition is disposed of with direction that on petitioners' paying cost of Rs.10,000/- to the defendants No.1, 2 & 3 within a period of one month from today, the trial Court shall allow one opportunity to the petitioners/plaintiffs to produce the witnesses. It is made clear that if the Officers of the concerned department, to whom the plaintiffs No. 1, 2 & 3 belong, fail to adduce evidence, the same may be treated as a misconduct and a departmental enquiry be constituted against the erring officers. It is also to be entered in their service book. The Collector, Bilaspur, is directed to personally monitor the progress of the suit. A copy of this order be sent to the Collector, Bilaspur for doing the needful.
6. Let the suit itself be decided at the earliest, preferably within 9 months from the date of receipt of certified copy of this order.

Sd/-
Judge
(Prashant Kumar Mishra)