

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 504 of 2016**

1. Abrar Ali Ansari S/o Late Asgar Ali Ansari, Aged About 48 Years
 2. (A) Smt. Nafina W/o Late Roshan Ali Ansari, Aged About 30 Years
(B) Aftab S/o Late Roshan Ali Ansari, Aged About 18 Years
(C) Khushdil S/o Late Roshan Ali Ansari, Aged About 13 Years (Now he has become major) R/o Ram Mandir Road, Bramhapara, Ambikapur, P. S. & Tahsil Ambikapur, District Surguja (Chhattisgarh)
 3. Haider Ali S/o Shobrati, Aged About 50 Years
 4. Akhtar Ali Ansari S/o Late Asgar Ali, Aged About 40 Years
- All are resident of Ram Mandir Road, Bramhapara, Ambikapur, P. S. & Tahsil Ambikapur, District Surguja (Chhattisgarh)

---- Petitioners

Versus

1. (A) Arun Kumar Verma S/o Late Shri Jagdish Prasad Verma, Aged About 55 Years
(B) Anil Kumar Verma S/o Late Shri Jagdish Prasad Verma, Aged About 22 Years
- Both are resident of Ram Mandir Road, Bramhapara, Ambikapur, P. S. & Tahsil Ambikapur, District Surguja (Chhattisgarh)
2. State Of Chhattisgarh, Through District Collector, Surguja Ambikapur (Chhattisgarh)
 3. Commissioner, Municipal Corporation Ambikapur, District Surguja (Chhattisgarh)
 4. Nazul Officer, Ambikapur, District Surguja (Chhattisgarh)
 5. Hanuman Singh, Revenue Inspector Nazul, Ambikapur, District Surguja (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr.Rahul Mishra, Advocate
For State	:	Mr.Shashank Thakur, G.A.
For Respondent No.3	:	Mr.Bhupendra Singh, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/7/2017**

1. Learned counsel for the petitioners would submit that on an earlier date the trial Court had issued summons of the revenue case, however, when information was received that the record has been sent to the Court of Nazul Officer, Ambikapur, the trial Court instead of waiting for receipt of record or compelling the revenue officer to produce the record, has closed the plaintiff's evidence.

2. On the other hand, learned counsel for respondent No.3 would support the impugned order.
3. After hearing learned counsel appearing for the parties and after perusal of the record, it would appear that on the request of the petitioners/plaintiffs, summons has already been issued to the revenue officer for hearing, but he did not appear, therefore, there is no fault on the part of the petitioners. The trial Court ought to have granted further opportunity for examination of the plaintiffs evidence.
4. Accordingly, the impugned order is set aside. The Collector, Surguja is directed to depute his revenue officer to produce the original record of Revenue Case NO.13-A/12/2005-2006. The plaintiffs would produce their witnesses on 18.7.2017 or if not produced on that day shall produce their witnesses till 31st July, 2017.
5. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-