

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC No.906 of 2017**

1. Gaurishankar Nayak S/o Late Kedarnath Nayak, Aged About 63 Years Caste Bhuiya, R/o New Vegetable Market, Dongargarh, District Rajnandgaon, (Chhattisgarh)
2. Girjashankar Nayak, S/o Late Kedarnath Nayak, Aged About 41 Years Caste Bhuiya, R/o N. F. R., Purnima, District Purniya (Bihar)(Defendant No. 1 & 3)

---Petitioners**Versus**

1. Raviendra Pradhan S/o Late Parasnath Pradhan, Aged About 37 Years Caste Bhuiya, R/o Village Jashpurnagar, Near Saal House, Khajaanchitoli, Tahsil And District Jashpur, (Chhattisgarh)(Plaintiff)
2. Jagdish Nayak, S/o Late Kedarnath Nayak, Aged About 55 Years Caste Bhuiya, R/o R. D. Colony, Tikarapara, House No. 136, Raipur, District Raipur (Chhattisgarh) Civil And Revenue District Raipur, (Chhattisgarh).....(Defendant No. 2)
3. Nageshwar Nayak, S/o Late Ishwarnath Nayak, Aged About 55 Years Caste Bhuiya, R/o Matasi, Tahsil Kunkuri, District Jashpur (Chhattisgarh), Civil And Revenue District Jashpur, (Chhattisgarh).....(Defendant No.4)
4. Gupteshwar Nayak, S/o Late Ishwarnath Nayak, Aged About 55 Years Caste Bhuiya, R/o Matasi, Tahsil Kunkuri, District Jashpur (Chhattisgarh) Civil And Revenue District Jashpur, (Chhattisgarh).....(Defendant No.5)
5. Girdhari Nayak, S/o Late Ishwarnath Nayak, Aged About 55 Years Caste Bhuiya, R/o Matasi, Tahsil Kunkuri, District Jashpur (Chhattisgarh) Civil And Revenue District Jashpur, (Chhattisgarh).....(Defendant No.6)
6. Nityanand Yadav, S/o Shri Tarun Chand Yadav, Aged About 43 Years Caste Mahakul, R/o Bhagalpur Road, District Jashpur, (Chhattisgarh).....(Defendant No.7)
7. Balram Sinha, S/o Late Kishun Prasad Sinha, Aged About 62 Years Caste Kayast, R/o Bhagalpur Road, Dist. Jashpur (Chhattisgarh)(Defendant No.8)
8. Joyti Sinha, S/o Vishwanath Lal, Aged About 30 Years Caste Kayast, R/o Bhagalpur Road, District Jashpur (Chhattisgarh).....(Defendant No. 9)
9. Ramlal Gupta, S/o Shri Bairagi Gupta, Aged About 36 Years Caste Kolta, R/o Bhagalpur Road, District Jashpur (Chhattisgarh).....(Defendant No.10)

10.Meena Pradhan, S/o Shri Bunesdhwari Pradhan, Aged About 40 Years Caste Uraon, R/o Kashpurnagar, District Jashpur (Chhattisgarh).....(Defendant No.11)

11.The State Of Chhattisgarh, Through Collector, Jashpurnagar, District Jashpur, (Chhattisgarh).....(Defendant No.12)

---**Respondents**

For State : Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/11/2017

1. This is an office reference being taken up on a P.U.D. dated 29/06/2017 by the Additional District and Sessions Judge, Jashpur (C.G.).

2. The record show that, the said letter was received by the High Court on 04/07/2017.

3. It is very unfortunate that, the registry of this Court has taken more than 5 months in registering this MCC and placing it before this Court.

4. The Registrar General is directed to look into the matter and to furnish the report within 15 days ascertaining as to where the lapse has occurred and also take necessary steps to ensure that, any such PUD received from any of the Courts below, should be registered within a maximum period of 3 days from its receipt.

5. The subject matter in dispute is a Writ Petition which was filed before this Court under Article 227 of the Constitution of India.

6. The grievance of the petitioners before this Court was that, they were the defendant 1 to 3 before the Court below and there right

to lead evidence was closed and the matter was fixed for final argument on 13/01/2017.

7. This Court on 30/01/2017 had allowed the Writ Petition and disposed off the matter with a direction to the trial Court to permit the defendants to adduce the evidence on 09/02/2017 i.e. about 10 months ago, but for the reasons and the explanation in the PUD till date the matter has not been reopened by the Court below.

8. That because of the approach of the officers of the registry so also from the office of the District Court, the matter unnecessarily has been lying undated or without any effective proceeding for almost 1 year.

9. The matter itself by now could have been decided long ago if prompt steps would had been taken by the respective offices concerned.

10. The concerned District Judge should also look into the matter and hold an inquiry or an in-house-inquiry to find out the lapse at the District Court level if any and take appropriate measures so as to avoid such recurrence and send a report in this regard to this Court.

11. Since the matter has not yet been proceeded further as is reflected from the explanation by the learned Additional District Judge, Kunkuri, this Court is of the opinion that ends of justice would meet if the Additional District Judge grants one more opportunity to the defendants 1 to 3 who were the petitioners before this Court on the next date of hearing by a fixing date, in

the presence of the disputing parties and thereafter the matter shall be concluded at the earliest.

12. Considering the total facts and circumstances of the case, the Additional District Judge is also requested to ensure that, the proceeding is taken on priority basis and concluded as expeditiously as possible.

13. The MCC thus stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Sumit