

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(227) No.295 of 2020**

- Sukh Vishwas S/o Late Sharad Vishwas Aged About 34 Years R/o Village Nehrunagar (Digma), Tahsil Ambikapur, District Surguja Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector Suguja, Ambikapur, District Surguja Chhattisgarh
2. Tahsildar Ambikapur, Tahsil Office Ambikapur, District Surguja Chhattisgarh
3. Engineering Collage Through Director, Technical Education, Lakhanpur, P. S. And P. O. Lakhanpur, District Surguja Chhattisgarh

---- Respondents

For Petitioner : Ms. Priyanka Mehta, Advocate.

For State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****11-12-2020**

Heard.

1. This petition under Article 227 of Constitution of India has been brought seeking indulgence of this Court in setting aside the order passed by the trial Court on the application of the petitioner/plaintiff filed under Order 16 Rule 1 of C.P.C. by rejecting the same.
2. Learned counsel for the petitioner submitted that the application under Order 16 Rule 1 of C.P.C. was filed praying for summoning the In-charge Record Room of District Collector for the purpose of proving the document of Rehabilitation Patta of 1963, survey list of 1969 and the Bhoomi Swami Patta.
3. This application has been rejected by the Court below only on the

ground of delay without considering on the merit of the same, therefore, the order passed is erroneous and arbitrary which is liable to be set aside.

4. Learned State counsel appearing for the respondents submits that at present he has no instruction, even then he opposed the submissions made by the learned counsel for the petitioner.
5. Heard the learned counsel for both the parties and perused the impugned order.
6. After considering the submissions made by the learned counsel for both the parties, the petition is disposed off at motion stage. The impugned order dated 29.02.2020, passed to the extent rejecting the application under Order 16 Rule 1 of C.P.C. is set aside and the learned trial Court is directed to consider on the application on its merit and pass a reasonable order. This may be done within a period of one month.
7. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika