

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.476 of 2021

- Bindu Thakur S/o Mohit Singh Thakur Aged About 45 Years R/o Khairkhndewale, Post Kunwarpar Near Pond, Mahamaipara, Ratanpur, Tahsil Kota, District Bilaspur, Chhattisgarh (Wrongly Mentioned As Shri Bindu Satyavrat Singh Rajput In The Order Sheet)

---- Petitioner

Versus

1. Surendra Kumar Sharma S/o Late Haridayal Sharma Aged About 66 Years R/o Post Mahamaipara, Ratanpur, Tahsil Kota, District Bilaspur, Chhattisgarh
2. Jhagru Ram Nirmalkar S/o Jangiram Nirmalkar Aged About 65 Years R/o Near Kunwarpar Near Pond, Mahamaipara, Ratanpur, Tahsil Kota, District Bilaspur, Chhattisgarh
3. Anjani Singh Thakur W/o Bindu Thakur Aged About 38 Years R/o Post Near Kunwarpar Near Pond, Mahamaipara, Ratanpur, Tahsil Kota, District Bilaspur, Chhattisgarh
4. State Of Chhattisgarh Through District Magistrate, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner

– Mr. Amit Kumar, Advocate.

For State/respondent No.04

– Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-09-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 26.07.2021, by which the application filed by the petitioner under Order 16 Rule 2 of C.P.C. was dismissed.
2. It is submitted that the demarcation was conducted by the order of the

Court in which the Halka Patwari of the Circle was also a member of the demarcation team. Therefore, the prayer was made for summoning the Halka Patwari as witness before the Court below, which has been dismissed by the impugned order.

3. Considered on the submissions and perused the impugned order, it is mentioned that the learned trial Court has rejected the application mentioning that the Revenue Inspector, who was the Member of the demarcation team has been examined, therefore, there is no necessity of examining the Halka Patwari.
4. On perusal of the impugned order itself, it is found that there is no dispute raised or no dissatisfaction expressed by the petitioner/defendant regarding the demarcation or regarding the statement of the witnesses of demarcation who have been already examined. Therefore, there was no reason for the learned trial Court to entertain the application. Hence, I do not find any error in the impugned order, therefore, the petition is disposed off. The petitioner has liberty to file repeat application, in case there is some dispute present regarding the demarcation report or regarding the earlier statement given by the witness present in demarcation.
5. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge