

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 160 of 2019

Ganesh Prasad Agrawal S/o Late Banshidhar Agrawal, Aged About 80 Years, R/o Shivrinarayan, Tahsil Nawagarh, District - Janjgir - Champa Chhattisgarh Through Power Of Attorney Holder Gopal Prasad Mukim S/o Ganesh Prasad Mukim, Aged About 60 Years, R/o Shivrinarayan, Tahsil Nawagarh, District - Janjgir - Champa Chhattisgarh.

---Petitioner

Versus

1. Nathmal Agrawal S/o Satnarayan Agrawal, Aged About 50 Years, R/o Shivrinarayan, Tahsil Nawagarh, District - Janjgir - Champa Chhattisgarh, At Present R/o Near Gayatri Mandir, Vidya Nagar Bilaspur, Police Station And Post Office Bilaspur, District - Bilaspur Chhattisgarh.
2. State Of Chhattisgarh Through Collector, Janjgir-Champa, District - Janjgir-Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. T.K. Jha, Advocate
----------------	---	------------------------

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

28/02/2019

1. By the impugned order dated 04/02/2019, the application filed by the petitioner under order 26 Rule 9 of CPC for appointment of Commissioner has been rejected by the learned executing Court, against which this writ petition has been preferred by the petitioner/judgment debtor.
2. Learned counsel for the petitioner submits that the learned executing Court is absolutely unjustified in rejecting the application for appointment of the Commissioner to demarcate the land in dispute.
3. I have heard learned counsel for the petitioner on the question of admission of the writ petition.

4. The learned executing Court has clearly held that the appointment of Commissioner is not warranted in the facts of the case, as such, the impugned order passed by the executing Court is purely discretionary in nature, in which I do not find any illegality or perversity and thus, no interference is warranted under Article 227 of the Constitution of India.
 5. The writ petition deserves to be and is accordingly dismissed.
 6. A copy of this order be sent to the concerned executing Court by email/fax.
- No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Hameet