

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 150 of 2017**

- Janmajay Singh S/o Late Shri Uma Charan Singh, Aged About 50 Years Vice President, Janpad Panchayat Kusmi, R/o Kusmi, Post Kusmi, District Surguja, Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through Chief Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Commissioner, Surguja, District Surguja, Chhattisgarh
3. Collector, Balrampur, District Balrampur, Chhattisgarh
4. Sub Divisional Officer, Kusmi, District Balrampur-Ramanujganj, Chhattisgarh
5. Superintendent of Police Balrampur, District Balrampur-Ramanujganj, Chhattisgarh
6. Somnath Bhagat S/o Late Mahali Bhagat, Aged About 62 Years R/o Kusmi, Social Worker, Tehsil Kusmi, District Balrampur, Chhattisgarh

---- Respondents**(By Circulation in Chamber)****SB : Hon'ble Shri Justice Rajendra Chandra Singh Samant, J****Order****04/12/2017**

1. The matter is taken up for consideration in the Chamber as per provisions of sub-rule (2) of Rule 90 of Chapter-VI of the High Court of Chhattisgarh Rules, 2007.
2. This review petition is preferred by the applicant seeking review of the order dated 09.10.2017 passed by this Court in WPCR No.404/2017 directing the respondent No.5 to take action on the complaint made by respondent No.6 herein against the applicant in accordance with directions of the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and others

reported in (2014) 2 SCC 1.

3. The grounds for reviewing the order are these, that respondent No.6 instead of approaching the criminal Court under Section 156 (3) or Section 200 of Cr.P.C. has straightaway moved before this Court by filing a writ petition (criminal) making a prayer, that applicant herein be removed from his office. Petitioner is the person, who is going to be affected directly by this order if it is allowed to stand and further, he was not heard before the said order was passed, hence, the principles of natural justice were not followed. On these grounds, it is prayed that application for review may be entertained by this Court.
4. The fact of WPCR No.404/2017 in brief are these, that non-applicant No.6 herein had, as a Social Activist, made a complaint to the police to inquire or investigate into the matter of financial irregularities committed by office bearers of Janpad Panchayat Kusmi. In this regard, reliance has been placed on the judgment of the Supreme Court in Lalita Kumari (supra) whereby specific directions given by the Hon'ble Supreme Court are to be followed by the police by inquiring or investigating the complaint made to the police.
5. The direction issued in the impugned order does not entail that any FIR is to be registered against the applicant or any other person concerned. It is specifically made clear that the police authorities are under obligation to follow the directions of the Hon'ble Supreme Court as given in Lalita Kumari's case (supra), hence, if any inquiry or investigation is initiated against the applicant herein, in that case applicant shall have the liberty to move this Court seeking appropriate remedy for the same but for the present there appears no such requirement to review the order passed by this Court in WPCR No.404/2017.
6. Accordingly, this review petition is dismissed at the motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
 JUDGE

Nisha