

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1939 of 2016**

- Akhilesh Kumar Singh S/o Shri Ram Pratap Singh, Aged About 45 Years
R/o Jawahar Nagar, Banaras Chowk, Ambikapur, P. S. Ambikapur, District
Sarguja (Chhattisgarh)

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Revenue And Disaster
Management Department, Mantralaya, New Raipur, P. S. Rakhi, District
Raipur (Chhattisgarh)
2. Chhattisgarh State Scheduled Tribe Commission, Through The Secretary
Government Of Chhattisgarh, Registered Office At 61 Jalvihar Colony,
Raipur District Raipur (Chhattisgarh)
3. The Collector, Sarguja, District Sarguja (Chhattisgarh)
4. Station House Officer, Police Station Ambikapur, District Sarguja
(Chhattisgarh)
5. Lalchand, S/o Shri Lal Swaroop, R/o M- 23 Old Mines, Bhatgaon, Kalari,
District Sarguja (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Shri Prateek Sharma, Advocate
For Respondent No.2	:	Ms. Purnima Singh, Advocate
For Respondent No.5	:	Shri KK Dewangan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****17/02/2017**

1. This petition under Article 226 of the Constitution of India would challenge
the order passed by the Chhattisgarh State Scheduled Tribe Commission
(for short 'the Commission') directing lodging of FIR against the petitioner
and the former owner of the land namely Lagan S/o Charka and Shantien
Minj for defrauding the respondent No.5.

2. Challenge is mainly on the ground that the Commission being a recommendatory body has no jurisdiction to direct lodging of FIR and more so when the transaction is of civil nature without there being any culpability involved in the transaction.
3. Ms. Purnima Singh, learned counsel for respondent No.2 commission would submit that the operative part of the order may not be happily worded but the opening part of the order would make it clear that Annexure P-1 is only recommendation and not an order.
4. Shri Dewangan, learned counsel for respondent No.5 would submit, on instructions, that because of pendency of this writ petition he is not able to pursue his remedy else where, therefore, the impugned order may be set aside and liberty be reserved in favour of respondent No.5 to initiate necessary proceeding before the appropriate forum having jurisdiction in law.
5. Considering the submission made by learned counsel for the parties, the writ petition is allowed and the impugned order is set aside, however, liberty is reserved in favour of respondent No.5 to initiate necessary legal proceeding for redressal of his grievance before the appropriate jurisdictional forum. If such proceedings are initiated, the appropriate forum shall proceed in accordance with law, without being influenced by the contents of the impugned order.

Sd/-

Judge

Prashant Kumar Mishra

Ashu