

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 354 of 2017**

- Ramnivas Agrawal S/o Late Mansha Ram Agrawal, Aged About 55 Years R/o Village Police Station And Tahsil Shankargarh, District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Ministry Of Home, (Police), Mahanadi Bhawan, New Mantralay, And District Raipur Chhattisgarh.
2. Inspector General Of Police, Surguja Division, Ambikapur Chhattisgarh.
3. Suprentendent Of Police, Balrampur, District Balrampur Ramanujganj Chhattisgarh.
4. Station House Officer, Police Station Shankargarh, District Balrampur - Ramanujganj Chhattisgarh.
5. Anil Mishra, President, Durga Mandir Samiti, Shankargarh, R/o Block Shankargarh, Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh.
6. Rupesh Kumar Agrawal, Vice - President Durga Mandir Samiti, Shankargarh R/o Block Shankargarh, Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh.
7. Ram Avtar Agrawal, Treasure, Durga Mandir Samiti, Shakargarh R/o Block Shankargarh, Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh.
8. Rajesh Agrawal, Secretary, Durga Mandir Samiti, Shakargarh R/o Block Shankargarh, Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh.
9. Roshan Agrawal, Member, Durga Mandir Samiti, Shakargarh R/o Block Shankargarh, Police Station Shankargarh, District Balrampur Ramanujganj Chhattisgarh.
10. Parasnath Kashyap, Member, Durga Mandir Samiti, Shakargarh R/o Block Shankargarh, Police Station Shankargarh, Distrit Balrampur Ramanujganj Chhattisgarh.
11. Tilsay, Vice - President, Zila Panchayat, Balrampur, Block Shankargarh, Police Station

- Shankargarh, District - Balrampur Ramanujganj Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Apoorva Tripathi, Advocate.
For Respondents No.	:	Shri Neeraj Sharma, Dy. Govt. Advocate.

1 to 4/State

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2017

Heard.

1. Learned counsel for the petitioner submits that he was in possession of his shop constructed of the government land on the main road Shankargarh since 1991 which was his main source of livelihood. Respondent no.5 to 11 having no authority to dispossess or demolish the said construction have on 26.2.2017 demolished the shop of the petitioner thereby causing mischief and loss of his livelihood.
2. A written complaint was made to respondent No.4 on 26.2.2017, but no action was taken and therefore another written complaint was made to I.G. Police, Surguja on 3.3.2017, even then no action was taken.
3. Learned counsel for the petitioner placed reliance on the judgment of Supreme Court in ***Lalita Kumari vs. Government of Uttar Pradesh and Others***, reported in **(2014) 2 SCC 1** and in view of the guidelines laid down and the directions given by the Supreme Court, the police authorities are duty bound to act on the information given by any person alleging any commission of cognizable offence.
4. Learned counsel for respondent No.1 to 4 submits that the case may be disposed of with directions.
5. Heard both the parties and perused the material on record.
6. In view of the judgment of Supreme Court in Lalita Kumari (supra), it is bounden duty of the Police-Officer on receiving the complaint to register FIR in case the

contents of the complaint disclose a cognizable offence, otherwise if the contents of the complaint need verification in that case an enquiry can be made to ascertain whether a cognizable offence is made out or not. In a recent judgment the Hon'ble Supreme Court in ***The State Of Telangana vs Habib Abdullah Jeelani & Ors***, reported in, **2017 (2) SCC 779** Para No.7 & 8 relying on the judgment of Lalita Kumari's case have confirmed the same view, hence, this petition is allowed at the motion stage.

7. Respondent No.1 to 4 are directed to take action on the complaint made by the petitioner in accordance with directions of the Hon'ble Supreme Court in Lalita Kumari (supra).
8. Accordingly, the petition stands disposed off.

Sd/-
(**Rajendra Chandra Singh Samant**)
JUDGE