

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 282 of 2017**

1. Mohd. Javed S/o Shri Daud Rokadiya Aged About 40 Years R/o Salhewarpara Dhamtari, Thana & Tahsil- Dhamtari, Civil & Revenue District Dhamtari, Chhattisgarh.

---- Petitioner**Versus**

1. Station House Officer, Police Station City Kotwali Dhamtari, Civil & Revenue District Dhamtari, Chhattisgarh.
2. Commissioner Municipal Corporation Dhamtari, Thana & Tahsil- Dhamtari, Civil & Revenue District Dhamtari, Chhattisgarh.
3. State Of Chhattisgarh Through District Magistrate Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondent

For Petitioner	Ms. Sharmila Singhai, Advocate
For Respondent/State	Shri Anil S. Pandey, Govt. Advocate
For Respondent No.2	Shri Dharmesh Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/07/2017**

1. With the consent of learned counsel appearing for the parties, the petition is heard finally.
2. Learned counsel appearing for the petitioner would submit that the Sub Divisional Magistrate, Dhamtari, has passed the order dated 26-8-2016 under Section 133 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') directing the petitioner to remove the

Haddi godown (godown for storing the bones of dead animals). It is against this order, the petitioner preferred a revision before the Sessions Court, which has been dismissed by the Additional Sessions Judge, Dhamtari, by order dated 28-1-2017. The petitioner seeks intervention in the impugned order by this Court by exercising the inherent power under Section 482 of the Cr.P.C.

3. Learned counsel would further submit that the petitioner is operating the godown in question for the last six decades and due to change in the circumstances in the locality the petitioner is willing to shift the godown to a place outside the locality. According to the petitioner, by order of the Sub Divisional Magistrate time of only one month was granted, if the petitioner is given reasonable time to shift the godown from the place where it is he will make necessary arrangements to shift the godown within time granted by this Court. On the basis of aforesaid submission, it is prayed that the petitioner would be willing to withdraw the petition if this Court pleases to issue direction as above mentioned.
4. On the other hand, learned counsel appearing for the State would oppose the aforesaid proposal given by the petitioner by submitting that the order of the Sub Divisional Magistrate was passed on 26-8-2016 and by now almost one year lapsed and the petitioner has not made any arrangements for shifting the godown,

to which learned counsel for the petitioner has replied that the petitioner had a right to challenge the order passed under the statute and the petitioner was exercising this right. Thus, the time passed in prosecuting the revision and this petition cannot be made a ground to refuse the prayer of the petitioner.

5. Considering the prayer made by the petitioner, in the interest of justice, it is just & proper that a suitable and reasonable time may be granted to the petitioner to shift the godown in question from the present locality to a place outside the locality.
6. In view of the above, this petition is disposed of as withdrawn with a direction to the petitioner that he shall remove the godown in question within a period of 9 (nine) months from today to a place outside the locality. The respondents are directed to observe and monitor compliance of this order in its letter and spirit.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Gowri