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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (HC) No. 3 of 2017**

Akil Ahmad Ansari, S/o Sheikh Karimuddin Ansari, aged about 35 years,
R/o Mominpura, Ambikapur, Police Station & Tahsil Ambikapur, Civil &
Revenue District- Surguja (C.G.)

---- Petitioner**versus**

1. State of Chhattisgarh, through: its Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (C.G.)
2. Director General of Police, Police Head Quarters, Civil Lines, Raipur (C.G.)
3. Inspector General of Police, Ambikapur, District- Surguja (C.G.)
4. Superintendent of Police, Ambikapur, District Surguja (C.G.)
5. Station House Officer, Ambikapur, District- Surguja (C.G.)
6. Surya Bali Singh Chandel, S/o Bankraj Singh Chandel, aged about 56 years, R/o Forest Colony, Saal Parisar, Pratappur Naka, Police Station & Tehsil-Ambikapur, District- Surguja (C.G.)

---- Respondents

For Petitioner	:	Ms. K. Tripti Rao, Advocate
For State/Respondent 1 to 5	:	Shri B. Gopa Kumar, Deputy Advocate General
For Respondent No. 6	:	Shri C.J.K. Rao, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge

Order on Board**30/03/2017**

1. This writ petition is filed seeking a writ in the nature of Habeaus Corpus in relation to the person described in the opening paragraph of the writ petition.
2. According to the Petitioner, he married that female on 7.2.2009 and that both of them belong to different communities. The plea is that the said person has converted herself from Hinduism to Islam and thereafter, marriage was held on 7.2.2009. The further plea is that after about 2 ½

months of co-habitation, the said person left the Petitioner at the instance of her father, the sixth Respondent, and has since there been not heard of.

3. It is the admitted situation that the Petitioner filed an application for restitution of conjugal rights. That was decided ex-parte the woman. She moved this Court by filing an appeal against that decision. That was decided ex-parte the Petitioner herein, on 13.3.2015. We are told by the learned counsel for the Petitioner that an application to vacate that decision dismissed by this Court on 23.9.2015.
4. Thus, the plea set up is about a woman who was allegedly married to the Petitioner and who is alleged to have left co-habitation with the Petitioner way back in 2009. This writ petition is instituted on 31.1.2017. This enormous delay in seeking relief through the writ court, coupled with the fact that there were civil remedies agitated as between the parties persuade us to hold that this is not a fit case where the jurisdiction of this Court under Article 226 of the Constitution is to be extended.
5. The learned counsel for the Petitioner argued that this may be a case where the Petitioner would have been ill-advised to move the Family Court and seek such remedies. We are not impressed by that submission either, because there is any room to conclude that the person referred to in the writ petition is under illegal detention by any person including the sixth Respondent, her father.
6. Hence, leaving open all other issues to be considered in appropriate proceedings, this writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge