

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (HC) No. 15 of 2017

- Shyam Kumar Katakwar S/o Late Shri Ramlal Katakwar, Aged About 58 Years Occupation Teacher, R/o Ward No. 4 Village Adbhar, Thana And Tahsil Malkharoda District Janjgir Champa (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Superintendent Of Police District Janjgir Champa, Thana And District Janjgir- Champa (Chhattisgarh).
2. The Station House Officer, Malkharoda Tahsil And District Janjgir- Champa (Chhattisgarh).
3. Anju Khare D/o Mahesh Khare Aged About 22 Years R/o Near Bijali Office Nagar Panchayat Adbhar, Thana & Tahsil Malkharoda, District Janjgir-Champa, Chhattisgarh
4. Chandrika Bai W/o Mahesh Khare Aged About 48 Years R/o Near Bijali Office Nagar Panchayat Adbhar, Thana & Tahsil Malkharoda, District Janjgir-Champa, Chhattisgarh
5. Smt. Kaushalya Devi W/o Kusmuriha Aged About 50 Years R/o Near Bijali Office Nagar Panchayat Adbhar, Thana & Tahsil Malkharoda, District Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Shri NK Malviya, Advocate
For Respondent/State	:	Shri RK Gupta, Deputy AG

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

07.07.2017

- 1) This is an application seeking issuance of Writ in nature of Habeas Corpus in relation to the person Chandrakant Katakwar, the petitioner's son.

2) The official respondents have filed their return. We have considered the contentions in the Writ Petition and the contentions in the reply of the official respondents in the light of the material documents produced therewith. We are clear in our mind that this is not a matter to be considered in the Writ jurisdiction, that too in a matter seeking issuance of Writ in the nature of Habeas Corpus. We say that without prejudice to the right of the petitioner to seek relief of any different nature from other jurisdictions in accordance with law.

3) We notice from Annexure R/1 shows that the local Panchayat had also interfered in the matter and that there are materials which apparently show that there is some sort of a relationship between the petitioner's son and the third respondent. Annexure R/2 is a complaint sent by the third respondent, who had also given Annexure R/3 statement. Her mother's statement is Annexure-R/4. There are statements given by different persons to the Police on the matter as evidenced by Annexures R/5 and R/6. Petitioner's daughter is also stated to have given Annexure/7 statement. Annexure R/8 is given by one Triveni Bai and Annexure R/9 contains certain photographs of two persons. We would not make any reference in this judgment to the contents of any of those annexures, lest we prejudice any judicial or other official proceedings which the petitioner may take recourse to. We have made mention of the aforesaid materials only to record that we are not inclined to take a view that the petitioner's son is, as of now, in

illegal detention which warrants the issuance of Writ in nature of Habeas Corpus by this Court in exercise of powers under Article 226 of the Constitution of India.

4) For the aforesaid reasons this Writ Petition is dismissed without prejudice to other proceedings, if any, in accordance with law.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge