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HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 391 of 2017**

1. Prathamik Matsya Sahkari Samiti Maryadit, Madernsilie Through Its Working President Hiramal Komra, Aged About 60 Years, S/o Shri Dasook Ram Komra, R/o Village- Raipara, Tehsil- Nagri, District Dhamtari, Chhattisgarh.
2. Prathamik Matsya Sahkari Samiti Maryadit, Madernsilie, Through Its Working Secretary, Lalit Nishad, Aged About 41 Years, S/o Rai Singh Nishad, R/o Village- Chanagaon, Tehsil- Nagri, District Dhamtari, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Agriculture (Fisheries) Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Managing Director, Chhattisgarh Rajya Sahkari Matsya Mahasangh, Maryadit, G E Road, Civil Lines, Raipur, District Raipur, Chhattisgarh.
3. Deputy Registrar, Co-Operative Society, Dhamtari, District Dhamtari, Chhattisgarh.
4. Atif Iqbal Khan S/o Abdul Gaffar Khan R/o Ward No. 6, Jungle Para, Post Nagri, District- Dhamtari, Chhattisgarh.

---- Respondents

For the Petitioner : Shri Shobhit Koshta, Advocate.
 For the Respondent/State : Shri Neeraj Sharma, DGA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****04.10.2017**

Heard.

1. Learned counsel for the petitioners submits that petitioners are societies registered under Cooperative Societies Act. Petitioner societies were awarded with contract for fishing in Mordemsilli Reservoir from 8th April, 2013 till 15th June, 2022 for a period of ten

years.

2. It is submitted that respondent No.2 has arbitrarily cancelled the contract by order dated 11.07.2016 and on the very next date, the tender notice was floated by respondent No.2 inviting tender from the societies, companies and other private bodies. It is submitted that according to the policy of the State Government vide **Annexure P-8**, the contract for fishing in the reservoir can be awarded only to registered fishing societies, fishing groups, fisherman, person displaced, due to construction of reservoir and any other self-help group, but any such contract cannot be awarded to any Company, other private person. Subsequent to that after the tender process, a contract has been awarded to respondent No.4. out of 10 persons who approached to submit the tender. It is submitted that after a some manipulation, respondent No.4 has been awarded the contract for fishing in the Mordemsilli Reservoir.
3. It is submitted that petitioners made a written complaint in PS- Civil lines, Distt.- Raipur alleging that offences of conspiracy, cheating and misappropriation have been committed in the tender process by the concerned, but no action has been taken by the police authority so far on 10.08.201. Hence, prayed petition may be disposed of with direction.
4. Learned counsel for respondent No.1 and 3 submits that if the case is disposed of with direction and state has nothing to opposed.
5. I have heard the learned counsel for the parties and perused all the document placed on record.
6. In view of the judgment passed by the Hon'ble Supreme Court of Lalita Kumari vs. State of Uttar Pradesh and Others reported in

(2014) 2 SCC 1, it is bounden duty of the police officer to register FIR on receiving a complaint which discloses commission of cognizable offence or otherwise make an inquiry if it is necessary to do so.

7. Hence, this petition is disposed off with direction. Respondents/State is directed that on the basis of complaint made by the petitioners, the concerned police station shall make an inquiry whether any cognizable offence is committed or not in this case and proceed in accordance with the law accordingly. Petitioner is directed to approach the police authority and provide all the documents and evidence to assist the inquiry.
8. Accordingly petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge