

HIGH COURT OF CHHATTISGARH, BILASPUR
WPCR No. 419 of 2017

Israr Ahmad S/o Late Haji Sheikh Badal, Aged About 63 Years R/o Village And Post Kamhariya, Police Station Moudaha, District Hamirpur Uttar Pradesh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Home Department (Police), Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Director General Of Police, Crime Investigation Department, Raipur Chhattisgarh.
3. Inspector General Of Police, Raipur Division, Raipur Chhattisgarh.
4. Superintendent Of Police, Mahasamund, District Mahasamund Chhattisgarh.
5. Station House Officer, Police Station Raigarh, District Raigarh Chhattisgarh.
6. Abdul Anwar @ Kallan, S/o Abdul Jabbar, Aged About 32 Years R/o Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.
7. Abdul Jabbar, S/o Abdul Gafoor, Aged About 43 Years R/o Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.
8. Abdul Sattar @ Chunna, S/o Abdul Rahoor, Aged About 43 Years R/o Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.
9. Abdul Kayyum, S/o Abdul Salim, Aged About 25 Years R/o Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.
10. Majid Ali, S/o Hashim Ali, Aged About 28 Years R/o Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.
11. Najim Ali S/o Hashim Ali, Aged About 30 Years R/o Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.
12. Kamaluddin S/o Fariduddin, Aged About 35 Years R/o Village And Post Kamhariya, Police Station Moudaha, District Hamirpur Uttar Pradesh.
13. Munna @ Abdul Salim, S/o Abdul Rauf, Aged About 48 Years R/o Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.

--Respondents.

For the Petitioner : Ms. Hamida Siddiquie, Prasad, Advocate.

For the Respondent/State : Shri Anil S Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12.10.2017

Heard.

1. It is submitted by learned counsel for the petitioner that his son Maiku @ Nazir Ahmad was kidnapped in the year 2008, and he is missing till date. Private respondents in this case are facing trial before the Court of Sessions Court Mahasamund for offence under Section 365/34 of Indian Penal Code. Till date whereabouts of Maiku @ Nazir Ahmad are not known. Considering it as a civil death, petitioner has tried to dispose of the property of his son (Maiku @ Nazir Ahmad) situated in Raigarh, but again the private respondents are raising dispute with the use of muscle power and threatening the petitioner with dire consequences. It is submitted that petitioner has a right to make arrangement for the property of his son (Maiku @ Nazir Ahmad) and dispose it. Hence, it is prayed that a direction may be issued to respondents No.2 to 5 to provide security to the petitioner from the private respondent in this case.
2. Learned counsel for the State opposes the petition and submission made and submits that one of the private respondents has raised some claim over the property of the missing Maiku @ Nazir Ahmad hence, a civil suit may be filed by the petitioner.
3. I have heard the learned counsel for the parties and pursue all the documents placed on record.
4. Petitioner prays for security against the activities of the private respondents. Any dispute regarding the property is presently not before any Court, but it is apparent on the basis of the complaint made on behalf of the petitioner, that private respondents have interfered with the affairs of the property belonging to Maiku @ Nazir Ahmad. Petitioner is resident of Uttar Pradesh, as his son Maiku @ Nazir Ahmad is missing, he has a responsibility to look after, manage and do the needful with respect to the property belonging to his son.

5. Hence, this petition is disposed of with the direction, that petitioner shall approach to the respondent/ police authorities on his arrival at Raigarh, in case he threatened by the private respondents on account of their activities of interference into the affairs of the property of his son. Respondents No.4 and 5 are directed to do the needful in accordance with the law and if necessary provide protection to the petitioner.
6. Petition stands disposed off.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal