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HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 245 of 2018**

- Rangalal Nirala S/o Shri Hetram Nirala, Aged About 48 Years Occupation Government Employee, Presently Posted As Patwari At P.C. No. 25, Bakaruma, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh

---- **Petitioner****Versus**

1. The State of Chhattisgarh Through The Secretary, Department of Home Affairs, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. The Director General of Police, Police Headquarter Office Raipur, District Raipur Chhattisgarh
3. The Collector, Raigarh, District Raigarh Chhattisgarh
4. The Superintendent of Police, Raigarh, District Raigarh Chhattisgarh
5. The Officer In Charge of Police Station Baramkela, District Raigarh Chhattisgarh
6. Smt. Mandorari Kolta Wd/o Late Shri Madhav Prasad Kolta, Aged About 80 Years Caste - Kolta, Presently R/o Village Ruchida, Police Station And Tahsil Ambabhouna, District Bargarh (Odisha)

---- **Respondents**

For Petitioner	:	Shri Roop Naik, Advocate
For Respondents-State	:	Shri Sangharsh Pandey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/04/2018**

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner was working as Patwari in village Saria and on an application filed by Radhachara & Kairi Bai, showing one Mandodari to have died 30 years back, the name of Ishwari and Kairi Bai continued and the name of Mandodari was deleted

having died. He further submits that the petitioner was working as Patwari in the village and after certain applications are filed for mutation, he is to initiate proceedings, which he has done and it could not be decided. It is stated that the report as was made by Mandodari to the Station House Officer, Saria, do not disclose any cognizable offence is made out against the petitioner, as it shows that Kairi Bai and Ishwari along with Radha Charan has played a fraud to delete the name of Mandodari, who was the joint land holder. It is stated that since the FIR do not disclose any cognizable offence is required to be quashed.

3. Perusal of the FIR, which is on record shows that the report was made by Mandodari that initially land in question was recorded in the name of Shakuntala and Mandodari and Shakuntala having died name of Kairi Bai and Ishwari have been recorded as owners. The allegations are that Mandodari was shown to have died 30 years back and her name was deleted on 15.03.2013. FIR prima facie discloses a cognizable offence and what is the mens rea of the petitioner cannot be appreciated at this stage that he acted in a bona fide. It is also quite obvious that before deleting name of a person when he has shown to have died, proper enquiry should have been conducted. It is the primary duty of the Patwari in the case of like nature where such duty has been discharged or was influenced by any out source, this fact is to be investigated after registration of the FIR. The FIR at this stage takes into sweep the acts committed by the petitioner. Consequently, I am not inclined to quash the FIR.

4. The petition has no merit. It is accordingly dismissed.

Sd/-
Goutam Bhaduri
Judge