

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2073 of 2018**

1. Subhash Chandra Garg S/o Dwarika Prasad Agrawal, Aged About 52 Years R/o Sahdevpali, Sarangarh Road Sarangarh District Raigarh Chhattisgarh.
2. Moin Khan S/o Md. Safi, Aged About 45 Years R/o Dhimrapur Jindal Road Raigarh, District Raigarh Chhattisgarh.
3. Mazid Ali, S/o Hasim Ali, Aged About 26 Years R/o Dumarmuda, Odisha Road Raigarh, District Raigarh Chhattisgarh.
4. Md. Salim Khan S/o Md. Abbu Khan, Aged About 52 Years Gorkha Jindal Road Raigarh, District Raigarh Chhattisgarh.
5. Jyauddin S/o Tazuddin, Aged About 30 Years Rengalpali Road, Gandhi Nagar Road Raigarh, District Raigarh Chhattisgarh.
6. Mahesh Chourasiya S/o Shri Parmeshwar Chourasiya, Aged About 54 Years Chatamuda Thana Raigarh, District Raigarh Chhattisgarh.
7. Abdul Sattar S/o Abdul Rauf Aged About 47 Years R/o Garhumariya Road Raigarh, District Raigarh Chhattisgarh.
8. Shekh Ajiz Niyariya, S/o Shekh Mohd Niyariya, Aged About 53 Years R/o Raigarh, District Raigarh Chhattisgarh.
9. Nazmuddin S/o Tazuddin, Aged About 30 Years R/o Old Sarangarh Bus Stand Road Raigarh, District Raigarh Chhattisgarh.
10. Sattar Ali Maniyar, S/o Babuddin Maniyar, Aged About 48 Years Near New Bus Stand Kharsiya, District Raigarh Chhattisgarh.
11. Ajay Singh S/o Dani Singh Aged About 42 Years R/o Chhatamuda Bypass Chowk Raigarh, District Raigarh Chhattisgarh.
12. Abdul Razzaq S/o Janikha Maniyar, Aged About 45 Years Mithumuda Raigarh, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mantralya Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.

3. Superintendent Of Police Raigarh, District Raigarh Chhattisgarh.
4. Station House Officer, P.S. - Chakrdhar District Raigarh Chhattisgarh.
5. Station House Officer, P.S. Kotwali District Raigarh Chhattisgarh.
6. Station House Officer, P.S. Jutemil District Raigarh Chhattisgarh.
7. Station House Officer, P.S. Kotra Road District Raigarh Chhattisgarh.
8. Station House Officer, P.S. Kharsiya, District Raigarh Chhattisgarh.

---- Respondent

For Petitioners : Miss Sharmila Singhai, Advocate.
For Respondents : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

18/09/2018 :

1. The petitioners are scrap dealers. They have preferred this writ petition seeking direction to the respondent authorities to allow the petitioners to open and run the shop, which is presently closed on an oral order of the respondent authorities, as also to allow the petitioners to carry on their business in accordance with law.
2. This Court had directed the respondents to file affidavit explaining as to under what authority of law by oral order by the concerned Police Station i.e. respondents No.5 & 8, the petitioners' shops have been closed.
3. Shri Deepak Jha, SP, Raigarh has filed his affidavit stating that there is no oral direction to any of the police authority to ask the petitioners to

close their shops and that the petitioners are entitled to carry on their business in the premises legally and so long as they carry on their business as per law after obtaining due permission required under the Shops and Establishment Act and other relevant laws, there could not be any restrictions on the petitioners.

4. In view of the affidavit filed by the SP, there should not be any apprehension in the mind of the petitioners that they will not be allowed to carry on their business in accordance with law. However, at the same time, there cannot be any blanket direction against the police authorities not to take any action against the petitioners. Whenever there is suspicion or information with the police that any person including the petitioners has committed any unlawful act or the act which is penal in nature, the police authorities have powers under the Code of Criminal Procedure to deal with the same in the manner known to law.

5. In view of the above, the Writ Petition stands disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve