

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 691 of 2019

Smt. Lata Pandey, W/o. Late Laxmi Prasad Pandey, Aged About 52 Years, R/o. Baikuntpur, Raigarh, District Raigarh Chhattisgarh. Through Power Of Attorney Holder, Satish Vishwakarma, S/o. Late Ramjeet, Aged About 42 Years, R/o. Gayatri Furniture, Mungeli, Road Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : Secretary, Department Of Home Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Director General of Police, Police Head Quarters, Naya Raipur, District Raipur Chhattisgarh.
3. Inspector General of Police, Police Range, Bilaspur, Chhattisgarh.
4. Superintendent of Police Bilaspur, District Bilaspur Chhattisgarh.
5. Chief Superintendent of Police (C.S.P.), City Kotwali, Bilaspur, District Bilaspur Chhattisgarh.
6. Station House Officer, Police Station : City Kotwali, District Bilaspur Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Hemant Kesharwani, Advocate
For Respondent/State	: Mr. Priyanshu Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/08/2019

Heard.

1. The instant petition under Article 226 of Constitution of India has been filed for issuance of appropriate writ.
2. It is submitted that the petitioner is a decree holder in Civil Suit No.120-A/1996 by the judgment dated 01.08.1997. Subsequent to

which, the possession of the suit property was obtained by the petitioner from the defendant in that case. However, one defendant Nanhumal challenged the judgment and decree of the Court in W.P. (227) 2970 of 2010, which has been dismissed by order dated 16.04.2010. Subsequent to that he again filed SLP before the Hon'ble Supreme Court bearing No.13535/2010, which has been dismissed subsequently on 10.07.2017. Subsequent to that the petitioner has got possession over the suit land from the execution Court on 30.10.2018. Subsequent to this proceeding of the execution, the legal representatives of the Nanhumal have dispossessed the petitioner from suit land and have very clearly deprived her from the fruits of the litigation. The petitioner then filed a complaint on the basis of which one FIR has been lodged against persons concerned. However, no offence was registered regarding the illegal dispossession of the petitioner. Then the petitioner has filed a complaint to the police on 12.07.2019, on which, again the concerned police officials are not taking any action, therefore, this petition has been filed.

3. State counsel opposes the petition and submits that already one FIR has been lodged against the persons concerned and the complaint that has been filed by the petitioner is subject to enquiry, even then, if the, petitioner has grievance, she has option available to file private complaint before the Court having jurisdiction. Therefore, the petition be dismissed.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made by the counsel for both the sides and also perused the complaint that has been filed in which the

grievances of the petitioner is reflected that the persons concerned are being protected by the police officials and lighter offences have been registered in the FIR lodged by her. In the light of the directions issued by the Hon'ble Supreme Court in case of ***Lalita Kumari Vs. Government of Uttar Pradesh & Others, (2014) 2 SCC 1***, I am of this opinion that it is a fit case where the respondent No.5 can be directed to make appropriate detailed enquiry on the complaint made by the petitioner and do the needful as may be necessary. Therefore, the petition is disposed off with following directions.

(1) Respondent No.5 is directed to enquire upon the complaint of the petitioner dated 12.07.2019 attached as Annexure P-8 and on finding substance in the complaint made, necessary action be taken against the persons concerned.

6. Accordingly, the petition is disposed off with direction above mentioned.

Sd/-
(Rajendra Chandra Singh Samant)
Judge