

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 328 of 2017

Rajkumar Mishra, S/o Late Shri Ganesh Prasad Mishra, Aged About 46 Years, R/o Haldibadi, Chirmiri, Thana Chirmiri, Tahsil Khadgawa, District Koriya, Chhattisgarh. **---- Appellant**

Versus

1. State Of Chhattisgarh Through- The Chief Secretary, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh. Through Mail csoffice.cg@gov.in, Chhattisgarh
2. The Sub Divisional Officer, Pramanikaran Khadgawa, District Koriya, Chhattisgarh., **---- Respondents**

For Appellant	:	Mr. Rajkumar Mishra, Petitioner in Person.
For State	:	Mrs. Fouzia Mirza, Additional A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Oral Order

28/01/2019

Heard on admission.

1. The writ appellant appearing in person argues that despite specific complaint having been made that one Usha Kumari had obtained permanent caste certificate by playing fraud, no action was taken by the competent authority, writ petition was filed seeking issuance of mandamus for lodging criminal case and also for directing respondent No.2 to hold enquiry in all cases where complaint of issuance of fake caste certificates have been issued and also for lodging FIR. The appellant would submit that all those cases where complaints are made regarding issuance of fake caste certificate should be properly inquired into and criminal case ought to be registered.
2. We find that learned Single Judge had dismissed the petition mainly on the ground that the writ petitioner is not the aggrieved person. The other reason for dismissal of the petition is that Usha Kumari, against whom, direction has been issued, has not been impleaded as one of the parties.
3. The view taken by learned Single Judge, particularly, that without impleading

the affected person, petition is not maintainable and therefore, liable to be dismissed, does not warrant any interference in the writ appeal. The writ appeal is, therefore, dismissed.

4. We wish to make it clear that dismissal of the appeal would not come in the way of competent authority in inquiring into the complaints nor this order shall come in the way of anyone including the petitioner to approach police authority.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge