

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Cr.) No. 391 of 2021

Masiullah Khan, S/o Late Barkatullah Khan, aged about 68 years, R/o: Block-8A, Street No. -05, Sector-01, Bhilai, District Durg (C.G.).

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Department of Home Affairs, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, (C.G.).
2. Director General of Police, Police Headquarters, Atal Nagar, Nava Raipur (C.G.).
3. Inspector General of Police, Durg Range, District- Durg (C.G.).
4. Superintendent of Police, Durg District Durg (C.G.)
5. Station House Officer, Bhatti Thana, Bhilai, District Durg (C.G.).
6. Shamim Bano, D/o Wahidullah Khan, R/o Munna Safi Tire Gali, Moudahapara, Raipur, District Raipur (C.G.).

---- Respondents

For Petitioner : Mr. Arvind Dubey, Advocate.
For Respondent Nos. 1 to 5. : Mr. Gurudev I. Sharan, G. A.
For Respondent No. 6 : Mr. Ratnesh Agrawal, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

23.08.2021

(1) The present writ petition has been preferred by the petitioner under Article 226 of the Constitution of India against inaction and apathy on the part of respondent /police authorities for not registering FIR against respondent No. 6.

(2) Learned counsel for respondent No. 6 would submit that respondent No. 6 has filed an appeal under Section 16 of **The Maintenance and Welfare of Parents and Senior Citizens Act, 2007**, before the District Magistrate, Durg and interim relief has already been granted in favour of her. The matter is listed for hearing in the month of **September, 2021**.

(3) Learned counsel for the petitioner would submit that since the present petitioner is 68 years old person and he is facing difficulty as the respondent No. 6 has compelled him to leave his house, therefore, looking to the difficulty as pleaded by learned counsel for the petitioner, this Court is of the view that the matter may be heard as early as possible by the appellate Authority.

(4) In view of the above, the District Collector, Durg is directed to expedite hearing of the appeal and make all endeavour to conclude the hearing of appeal on or before **14th of September, 2021**.

(5) The petitioner and respondent No. 6 are directed to appear before District Collector, Durg on **1st of September, 2021** and thereafter continue to appear there on all such dates as are given to them by the District Collector, who will make all efforts to dispose of the appeal as directed in paragraph No. 4.

(6) It is expected that petitioner and respondent No. 6 will not make any undue adjournment by adopting delay tactics unless and until unavoidable circumstances is made out for adjournment then only the Collector, Durg will give any adjournment to the parties. It is made clear that not more than one adjournment shall be granted to any of the party.

(7) It is also made clear that this Court has not expressed any opinion on the merits on the case, the District Collector, Durg decide the case on its own merits in accordance with law, without being influenced by any of the observations made by this Court.

(8) With this observations and directions, the instant writ petition is disposed of

Sd/-
(Narendra Kumar Vyas)
Judge