

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 417 of 2021

Ashok Chaturvedi S/o Harivansh Chaturvedi, aged about 49 Years Working As A Joint Commissioner In The Office Of Development Commissioner Panchayat and Rural Development Department Indravati Bhawan, Atal Nagar, Nava Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Chief Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar Nava Raipur District Raipur Chhattisgarh 492001
2. Additional Chief Secretary Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar Nava Raipur District Raipur Chhattisgarh 492001
3. Director General Of Police Head Quarter Nava Raipur District Raipur Chhattisgarh 492001
4. Additional Director General Of Police Economic Offence Wing And Anti Corruption Bureau Chhattisgarh, Jai Jawan Petrol Pump, Telibandha Raipur District Raipur Chhattisgarh 492001
5. Superintendent Of Police Economic Offence Wing, Chhattisgarh Jai Jawan Petrol Pump, Telibandha Raipur District Raipur Chhattisgarh 492001
6. Station House Officer, Police Station- Economic Offence Wing, Raipur District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. V. Shridhar, Advocate.
For State	:	Mr. Amrito Das, Addl. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/07/2021

1. The present writ petition has been filed being aggrieved of the Annexure P-1 dated 26.06.2021 passed by the State Authorities granting consent for prosecution sanction against the present petitioner in FIR no.16/2020 registered against the petitioner by Anti Corruption Bureau/Economic Offense Wing, Raipur, Chhattisgarh. The petitioner herein is substantively an employee of the Panchayat and Rural Development Department. He

has been sent on deputation as a General Manager of the Textbook Corporation, Raipur. The Anti corruption Bureau in the State of Chhattisgarh and the Economic Offense Wing, Raipur registered a case against the petitioner of having disproportionate assets.

2. The petitioner initially had preferred WPCR 17/2020 of the initiation of the preliminary enquiry. The High Court was pleased to grant an interim protection to the extent of no coercive steps to be taken against the petitioner vide order dated 22.01.2020. However, thereafter an FIR bearing crime no. 16/2020 was registered on 25.04.2020. Pursuant to the findings of the preliminary enquiry conducted in PE No.14/2019, the petitioner again approached the Hon'ble Supreme Court. The Supreme Court directed to the petitioner to approach High Court for ventilating his grievance and till such time, the petitioner was granted an interim protection.
3. Thereafter, the petitioner filed a writ petition before the High Court as WPCR 273/2020. In the said writ petition, this High Court granted an interim protection to the petitioner to the extent of directing the respondent State not to take any coercive measure in the FIR 16/2020 against the petitioner vide order dated 30.06.2020. Thereafter, it is the impugned order Annexure P-1 dated 23.06.2021 which was issued by the office of the respondent no.2 on granting of consent for prosecution sanction against the petitioner. It is this granting of consent for prosecution sanction against the petitioner which is under challenge in the present writ petition.
4. The primary ground of petitioner in assailing the same is the interim protection granted by this Court in WPCR 17/2020 and WPCR 273/2020. It was the further contention of the petitioner that there is an apparent conflicting stand taken by the department as against the noting of the

Hon'ble Minister in-charge of the department. Thus, the contention of the petitioners thereby is that ignoring the note of the Minister, the department has proceeded and granted consent for prosecution sanction which otherwise is without application of mind and without any cogent strong materials available on record. It was further contention of the petitioner that the action on the part of the respondents in granting consent for prosecution sanction also something which is otherwise not provided under the statutes. Nor is it a requirement of law under the rules and regulations governing the field.

5. Taking into consideration the contents and relief sought for by the petitioner in WPCR 17/2020 and also in WPCR 273/2020, this Court finds that there is no complete stay granted by the High Court in any of the aforesaid petitions preventing the respondents from further proceedings with the enquiry initiated in respect of disproportionate assets and subsequent registration of the FIR. Moreover, the reliefs sought for by the petitioner in the present writ petition are also one which could had been raised by the petitioner in the aforementioned two writ petitions already pending before this Court in respect of the same issue.
6. Filing of the present fresh writ petition is only questioning an order issued by the State Authorities in giving their consent for grant of prosecution sanction would not be maintainable firstly on the ground that it amounts to multiplicity of litigations on the same issue, particularly in the light of the two writ petitions already pending. Secondly the only order which has been issued is that of consent given by the department if required for grant of prosecution sanction. This in nowhere amounts to grant of sanction, nor does it in any manner amounts to overreaching the two interim orders operating in favour of the petitioner for the two writ petitions filed by him

referred to in the preceding paragraphs. The impugned order is nothing but is an order inter-se between the department of the State Government.

7. All the grounds raised by the petitioners assailing the impugned order Annexure P-1 are too premature a ground to be raised at this juncture in the present writ petition.
8. In view of the aforesaid facts and circumstances of the case, this Court does not find any merits in the writ petition. The same therefore deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Rohit