

NAFRHIGH COURT OF CHHATTISGARH, BILASPURWPCR No. 632 of 2018

1. Shyam Raj Singh S/o Shri Lal Sahab Singh Aged About 38 Years Proprietor Of Scarab Material, Near Chhunni Singh Talab, Seepat Road, Mopka, Bilaspur, District Bilaspur Chhattisgarh.
2. Mohd. Asgar S/o Late Latif Mohammad Aged About 37 Years Proprietor Of Scarab Material, Gayatri Mandir, Chowk, Rajaswa Colony, Chantideeh, Police Station Srakanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
3. Vinod Chandrawanshi, S/o Shri Shiv Chandrawanshi, Aged About 21 Years Proprietor Of Scarab Material, Vikas Traders, Rajkishore Nagar, In Front Of Basant Vihar Gate, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
4. Rameshwar Verma S/o Shri Ramdayal Verma Aged About 35 Years Proprietor Of Scarab Material, In Front Of Patwari Training School, Surya Chowk, Chingrajpara, Tashil And District Bilaspur Chhattisgarh.
5. Kailash Kumar Sahu S/o Late Shri Bhagwan Das Sahu Aged About 56 Years Proprietor Of Scarab Material Kailash Traders, Radhika Vihar, Seepat Road, Rajkishore Nagar, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
6. Shiv Kumar Chandrawanshi, S/o Koduram Chandrawanshi Aged About 48 Years Proprietor Of Scarab Material, Rajkishore Nagar, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
7. Ashok Kumar Jaiswal S/o Manbodh Ram Jaiswal Aged About 51 Years Proprietor Of Scarab Material, Near Jabdanala Chantideeh, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
8. Paritosh Kumar Sahu S/o Shri Ghanshyam Das Sahu Aged About 42 Years Proprietor Of Scarab Material, Radhika Vihar, Seepat Main Road, Lingiyadeeh, Bilaspur Tahsil And District Bilaspur Chhattisgarh.
9. Zakir Hussain S/o Mohammad Hussain, Aged About 46 Years Proprietor Of Scarab Material Shiv Ghat Sarkanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
10. Ramakant Mishra S/o Hargovind Mishra Aged About 50 Years Proprietor Of Scarab Material, Chantideeh, Near Siddhmuni Mandir, Sarkanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
11. Rakesh Tiwari S/o Shri Sitaram Tiwari Aged About 42 Years Proprietor Of Scarab Material, Mahraj Kabadi, Seepat Road, Sarkanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
12. Hemant Kumar Sahu S/o Late Kishanlal Sahu Aged About 54 Years Proprietor Of Scarab Material, Shakti Chowk, Rajkishore Nagar, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
13. Abhinay Patel S/o Shri Komal Patel Aged About 36 Years Proprietor Of Scarab Material, Jabdanala, Chantideeh, Sarkanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
14. Sonu Mali S/o Shri Kallu Mali Aged About 25 Years Proprietor Of

Scarab Material, Irani Chowk, Kalighat, Chantideeh, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.

15. Raju Sahu S/o Itwari Sahu Aged About 27 Years Proprietor Of Scarab Material, Vishwakarma Chwok, Chingrajpara, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
16. Bhagwat Sahu S/o Shankar Sahu Aged About 34 Years Proprietor Of Scarab Material, Mopka, Beside Dhikum Talab, Seepat Road, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
17. Mohd. Ajaj S/o Mohd. Anwar Aged About 31 Years Proprietor Of Scarab Material, Sanjay Nagar, Chantideeh, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
18. Laxman Chandrawanshi S/o Kishun Chandrawanshi Aged About 35 Years Proprietor Of Scarab Material, Ware House, Lingiyadeeh, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
19. Ishwar Dewangan S/o Sudarshan Dewangan Aged About 30 Years Proprietor Of Scarab Material, Ashok Nagar, Dabripara, Behind Petrol Pump, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
20. Anwar Khan S/o Late Latif Khan Aged About 27 Years Proprietor Of Scarab Material, Sanjay Nagar, Chantideeh, Sarkanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
21. Afroz Khan S/o Rafique Khan Aged About 26 Years Proprietor Of Scarab Material, Amraiya Chowk, Muktidham, Sarkanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
22. Pintu Gupta S/o Deenanath Aged About 32 Years Proprietor Of Scarab Material, Prabhat Chowk, Chingrajpara, Sarkanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
23. Chandrakant Sahu S/o Shiv Kumar Sahu Aged About 26 Years Proprietor Of Scarab Material, Near Jabdanala, Chantideeh, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home Ministry, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, Post Office Rakhi, District Raipur Chhattisgarh.
2. The Superintendant Of Police Bilaspur, District Bilaspur Chhattisgarh.
3. The Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioners	:	Ms. K. Radhika on behalf of Shri V.K. Pandey, Advocates
For State	:	Shri Rakesh Sahu, Dy. Government Advocate

Hon'ble Shri Justice Narendra Kumar Vyas
Order on Board

23.08.2021

1. The petitioners have filed the present writ petition (criminal) with following reliefs:-

“10.1 This Hon'ble Court may kindly be pleased to issue notices to the respondents, returnable within early date of hearing.

10.2 That, the Hon'ble Court may kindly be pleased to direct the respondents to allow the petitioners to run the shops with immediate effect.

10.3 That, the Hon'ble Court may kindly be pleased to direct the respondents not to interfere in running the smooth business of the petitioners without any just and cogent reason.

10.4 That, the Hon'ble Court may kindly be pleased to direct the respondents not to initiate any proceeding against the petitioner by misusing the power vested under Section 41(1-4) of Cr.P.C. with mala fide intention.

10.5 Grant any other relief(s)/ order(s) / direction (s) in favour of the petitioner, which deemed fit and proper in the facts and circumstances of the case, in the interest of justice.

10.6 Cost of the petition.”

2. This Court on 07.01.2019 passed the following order :-

“In view of the above submission, the suspicion of any criminal background or any other, the shops which have been said to be carried out under the license of Municipal Corporation, the petitioners shall be free to conduct their business and the right to continue their business cannot be stopped at the behest of any police officer. Therefore, it is directed that the petitioners shall be free to continue and open their shops and run their business, which shall not be interfered by the police in any manner with just exception. The order shall be carried out forthwith. It is also directed that if any criminal case is subsequently registered the same is to be dealt in different forum not by closure of the shops unless law permits.”

3. Learned counsel for the petitioners would submit that in view of the aforesaid interim order, the shops have been opened, as such, the object of filing this writ petition has been achieved. Therefore, the present writ petition may be disposed off with liberty in favour of the petitioners to file fresh petition if exigency so arises.

4. The said preposition is not objected by the learned counsel for the State.
5. Accordingly, the writ petition is disposed off with the liberty to the petitioners to take legal remedy available to them if any exigency so arises.
6. With this observation, the writ petition is finally disposed off.

**Sd-
(Narendra Kumar Vyas)
Judge**

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