

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****WA No. 600 of 2019****(Arising out of order dated 15-11-2019 passed by the learned Single Judge in WPC No. 4062 of 2019)**

1. Vikas Singh S/o Shri Alakh Niranjana Singh Aged About 46 Years R/o Quarter No. 1 B / 13 S. B. S. Colony, S. E. C. L. Korba Chhattisgarh.
2. Smt. Shanti Devi Singh W/o Shri Alakh Niranjana Singh Aged About 77 Years R/o Quarter No. 1 B / 13 S. B. S. Colony, S.E.C. L. Korba Chhattisgarh.

---- Appellants**Versus**

1. State of Chhattisgarh Through Its Secretary Department of Home Affairs, Mahanadi Bhavan, Atal Nagar, Nava Raipur, Chhattisgarh.
2. Director General of Police, Police Head Quarters, Sector 19, Atal Nagar, Nava Raipur, Chhattisgarh.
3. Superintendent of Police, District Korba, Chhattisgarh.
4. Udaya Kiran S/o Not Known To The Appellant, Presently Staying At Panchvati Rest House, Korba, District - Korba, Chhattisgarh. Posted At Korba As Additional Superintendent of Police.

---- Respondents

For Appellants	-	Dr. N.K. Shukla, Senior Advocate with Ms. Abhyunnati Singh, Advocate.
For Respondents/State	-	Shri Chandresh Shrivastava, Dy. Advocate General.

Hon'ble Shri Prashant Kumar Mishra, Ag. Chief Justice

Hon'ble Smt. Rajani Dubey, J.

Judgment On Board

By

Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.

14/07/2021

1. Heard.
2. This writ appeal has been preferred calling in question the order passed by the learned Single Judge dismissing the writ petition in which the appellants (henceforth 'the petitioners') had sought for an enquiry against the respondent No.4 Udaya Kiran, Additional Superintendent of Police, Korba (C.G.) and for providing security as well as compensation.
3. According to the petitioners, the petitioner No.1 is a politician and social worker and has reputation in the society. The respondent No.4, an IPS Officer, used criminal force during Goddess Durga Pooja festival on 07-10-2019 and created interference in collection of donations. The petitioner No.1, being President of the Samiti was out of station, therefore, the respondent No.4 reached his house and misbehaved with his mother (petitioner No.2); abused and threatened her that her son will be shot down. The petitioner had also submitted that the respondent No.4 has created an atmosphere of terror in Korba and the conversation between the petitioner and the respondent No.4 has been recorded.
4. On the above background facts, the petitioners have prayed for the reliefs as stated *infra*.
5. The learned Single Judge has dismissed the writ petition for the reason that the State Government has already constituted a Board for looking into the grievance of the like nature, as provided under Sections 38 and 43 of the Chhattisgarh Police Act and the petitioners can raise

their grievance.

6. After hearing learned counsel for the parties, we are not inclined to interfere with the order passed by the learned Single Judge for the reason that as per the respondent/State, there are 13 criminal cases of different nature registered against the petitioner No.1 at different Police Stations in Korba district. The respondent No.4 has a duty to maintain law and order and if any law and order situation was created at the time of incident, it cannot be said that he had no authority to take appropriate steps to control the situation. It is also to be seen that after the alleged incident, the respondent No.4 remained at Korba for about nine months but the writ petition was not preferred during that period and the moment he was transferred out of Korba, the writ petition was preferred.
7. In the return filed by the respondent State it is averred that at the time of flag march, local residents of the area complained that the petitioner and his associates are illegally extracting donations from them in the name of contribution for Goddess Durga Pooja, therefore to verify the veracity of oral complaint, the respondent No.4 enquired about the petitioner No.1 but no such incident, as stated in the writ petition, has taken place. There appears dispute as to the exact incident which had happened. The writ petition cannot be made an instrument for a fact finding enquiry. It is not a case, where due to police atrocity, someone was seriously injured or died. It is a simple case of maintaining law and order situation and to make enquiries for the said purpose.
8. As an upshot, the appeal, being bereft of merit, is liable to be and is hereby dismissed. There shall be no order as to cost(s).

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Rajani Dubey)
Judge

Gowri