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CGHC010144672023 2026:CGHC:45117

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2043 of 2023

1 - Swatantra Prakash Agrawal S/o Late Navrang Lal Agrawal Aged About 58 Years R/o Hig-2, Sector-1, Shankar Nagar, Tehsil And District Raipur, Chhattisgarh.

2 - Sourabh Agrawal S/o Swatantra Prakash Agrawal Aged About 32 Years R/o Hig-2, Sector-1, Shankar Nagar, Tehsil And District Raipur, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Tribal And Scheduled Caste, Mahanadi Bhawan, Naya Raipur, Tehsil And District Raipur, Chhattisgarh.

2 - Chhattisgarh State Scheduled Caste Commission Through Its Secretary, Bhagat Singh Chowk, Shankar Nagar Road, Beside Pahuna, Tehsil And District Raipur Chhattisgarh

3 - Chairman Chhattisgarh State Scheduled Caste Commission, Bhagat Singh Chowk, Shankar Nagar Road, Beside Pahuna, Tehsil And District Raipur, Chhattisgarh.

4 - Girendra Kumar Khande R/o House No. 94, Bade Manuki Housing Board Colony, Thana Mandir Hasod, District Raipur, Chhattisgarh.

5 - Station House Officer Police Station Vidhan Sabha, Tehsil And District Raipur, Chhattisgarh.

6 - Station House Officer Police Station Anusuchit Jati Kalyan (Ajak), Tehsil And District Raipur, Chhattisgarh.

.. Respondent(s)

(Cause title taken from CIS System)

For Petitioners	**:**	Mr. Abhishek Sinha, Sr. Advocate along with Ms. Jasleen Kaur Gulati, Advocate
For Respective Respondents	**:**	Mr. Priyank Rathi, GA, Mr. Jainendra Kumar Shastri and Mr. B. L. Dembra, Advocates.

Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

26.10.2026

1. The petitioners have filed this petition with the following reliefs:-

> *“10.1 That, this Hon’ble Court may kindly be pleased to call for the records pertaining to the instant case.*
>
> *10.2 That, this Hon'ble Court be pleased to declare that the Commission constituted under the Adhiniyam of 1995 has no jurisdiction and authority to direct registration of FIR and initiation of a criminal proceedings.*
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> *10.3 That, this Hon'ble Court may kindly be pleased to issue an appropriate Writ/ Order declaring that the adjudicatory proceedings initiated on the complaint of Respondent no. 4 is illegal and without jurisdiction of law and*

consequentially be pleased to quash the Impugned Order dated 24.04.2023 ANNEXURE P-1 and ANNEXURE P-2 against the Petitioners passed by the Respondent No. 3 being arbitrary, illegal and without jurisdiction of law.

10.4 Any appropriate writ/writs, direction/ directions or order may kindly be passed in favour of the Petitioner, which this Hon'ble Court deems fit in the circumstances of the case."

2. Brief facts of the case, as projected by the petitioners, are that the petitioners are businessmen engaged in the development of Sai Ashirwad Pride City Phase-3. Respondent No. 4, vide an agreement for sale dated 29.12.2022, agreed to purchase land belonging to Petitioner No. 1 for a sale consideration of Rs. 9,88,550/-. Subsequently, a sale deed was executed on 18.03.2023, pursuant to which Respondent No. 4 issued a cheque for Rs. 5,93,000/-, stated to have been obtained through a housing loan. However, when the petitioners approached the finance company for obtaining the original cheque in connection with the registered sale deed, they came to know that Respondent No. 4 had closed the loan account without making the payment, thereby allegedly cheating the petitioners. Thereafter, the petitioners, through their counsel, issued a legal notice dated 27.03.2023 to Respondent No. 4, demanding payment of the outstanding sale consideration. However, instead of making the payment,

Respondent No. 4 sent a reply denying the averments made in the legal notice. It is further submitted that Respondent No. 4 subsequently visited the petitioners' office and allegedly misbehaved with them, compelling Petitioner No. 1 to lodge a complaint before the Station House Officer, Police Station Vidhan Sabha, District Raipur (C.G.), on 13.04.2023, followed by a complaint before the Deputy Superintendent of Police, Raipur, on 14.04.2023. The petitioners have also instituted a civil suit seeking annulment of the sale deed. It is further contended that Respondent No. 4, suppressing the aforesaid facts, lodged a complaint before Respondent No. 3, alleging that the petitioners had uprooted a white pillar installed at a place of worship situated on the land purchased by him on 18.03.2023 at Sai Ashirwad Pride City, with the intention of hurting religious sentiments, and sought their arrest and prosecution. On the basis of the said complaint, Respondent No. 3 took cognizance of the matter and passed an order directing registration of an FIR. The petitioners contend that the proceedings initiated and the consequential orders passed by Respondent Nos. 3 and 4 are without jurisdiction and authority of law and are, therefore, non est and liable to be set aside.

3. Learned Senior Counsel appearing for the petitioners submits that the impugned proceedings and order passed by Respondent No. 2 are illegal, arbitrary, and without jurisdiction. It is contended that the Commission, constituted under the Chhattisgarh Rajya

Anusuchit Jati Ayog Adhiniyam, 1995, has no adjudicatory powers to entertain or decide private complaints against individuals, particularly when the complaint made by Respondent No. 4 does not disclose any violation of the constitutional or statutory safeguards available to members of the Scheduled Castes, as contemplated under Section 9 of the said Adhiniyam. It is further submitted that the Commission has only recommendatory powers and is not empowered to issue directions to individual persons or State authorities for initiating criminal proceedings or registering an FIR against the petitioners. Learned Senior Counsel further submits that the impugned proceedings were initiated without proper verification of the allegations or affording the petitioners an opportunity of hearing, thereby violating the principles of natural justice. It is contended that the Commission has no jurisdiction to exercise the powers vested in judicial authorities under the Code of Criminal Procedure, 1973, or to adjudicate individual civil rights. Accordingly, the impugned show-cause notice, the consequential proceedings and the directions issued by the Commission are wholly without jurisdiction and authority of law and are, therefore, liable to be quashed.

4. Learned counsel for Respondent Nos. 2 and 3 submits that Respondent No. 4 lodged a complaint before the Commission alleging that, on 18.04.2023, the petitioners intentionally removed, uprooted, and damaged the “White Flag” (Jait Khambh), a worship pillar erected on his purchased land after performing the religious

rituals of “Bhumi Poojan,” thereby hurting religious sentiments. Respondent No. 4 accordingly sought criminal action against the petitioners. Pursuant to the said complaint, the Commission issued notice dated 24.04.2023, directing the petitioners to appear before it. The said notice has been challenged by the petitioners before this Court, and the proceedings are pending, as the petitioners informed the Commission that interim protection had been granted to them. Learned counsel further submits that the impugned notice is merely a notice issued upon receipt of the complaint and does not constitute an order, as the Commission has not arrived at any conclusion. Relying upon a catena of decisions of the Hon’ble Supreme Court, it is contended that a writ petition challenging a mere notice is not maintainable. Accordingly, the instant petition is liable to be dismissed as not maintainable. It is further submitted that the Commission has been constituted under Section 3 of the Chhattisgarh Rajya Anusuchit Jati Ayog Adhiniyam, 1995, with the object of protecting the constitutional rights of persons belonging to the Scheduled Caste community. Under Section 9(1) of the Act, 1995, the Commission is empowered to take cognizance of complaints filed by aggrieved persons, while Section 10 confers upon it the powers of a civil court for conducting inquiries. The Commission is also empowered to issue notices under Section 10(1) of the Act, 1995. Therefore, the impugned notice has been issued within the jurisdiction of the Commission, and the petition is liable to be dismissed.

5. Learned counsel for the State submits that the dispute is essentially *inter se* between the petitioners and Respondent No. 4, arising out of a land sale transaction. The State authorities are merely formal parties, having been impleaded in view of the recommendation made by Respondent No. 2 for registration of an FIR. In view of the interim order passed by this Court, no FIR has been registered, and any further action shall remain subject to the orders of this Court. Accordingly, the writ petition against the State is liable to be dismissed.

6. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the Chhattisgarh State Scheduled Caste Commission, while exercising its jurisdiction, has issued directions which, *prima facie*, travel beyond the statutory powers conferred upon it. The Commission is primarily vested with advisory and recommendatory functions and is not conferred with adjudicatory jurisdiction to determine the rights and liabilities of the parties or to issue binding directions in the nature of those contained in the impugned orders.

7. The Hon'ble Supreme Court in ***Bhabani Prasad Jena v. Orissa State Commission for Women***[1], while dealing with the powers and jurisdiction of State Women Commission has observed thus:-

> **"9**. It would be seen from Section 10 of the 1993 Act that the State Commission has been authorized to take up studies in respect of economic, educational and health situation of the women of

1 (2010) 8 SCC 633

the State and also the working conditions of women in the factories, establishments, construction sites and make its recommendations to the State Government. The State Commission is empowered to compile information in respect of the offences against women and to coordinate with the State Cell and District Cells for atrocities against women. Further, the State Commission is competent to receive complaints in respect of the matters specified in Section 10(1)(d) and take up the grievances raised in the complaint/s with the concerned authorities for appropriate remedial measures. The State Commission is also given role of assisting, training and orienting the non-Government organizations in the State in legal counselling of poor women and enabling such women to get legal aid. Under Clause (f) of Section 10(1), the State Commission is authorized to inspect or cause to be inspected, a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities these matters for remedial action.

10. In other words, the State Commission is broadly assigned to take up studies on issues of economic, educational and healthcare that may help in overall development of the women of the State; gather statistics concerning offences against women; probe into the complaints relating to atrocities on women, deprivation of women of their rights in respect of minimum wages, basic health, maternity rights, etc. and upon ascertainment of facts take up

> the matter with the concerned authorities for remedial measures; help women in distress as a friend, philosopher and guide in enforcement of their legal rights. However, no power or authority has been given to the State Commission to adjudicate or determine the rights of the parties."

8. Recently, in the matter of **Mumbai Port Authority vs. National Commission for Scheduled Caste and Others**[2]**,** the Hon'ble Supreme Court in paragraph 9 has observed as under:-

> **"9.** We are of the considered view that the Division Bench fell in error in holding that the directions issued by NCSC in its order dated 23.10.2024 were within the scope of powers provided under the Constitution. The legislature has been quite categorical in the powers of the Civil Court that have been extended to the NCSC. The word used is "namely" whereunder certain powers have been enumerated. That indicates the limited scope of the powers granted to it. It is therefore clear that while it has powers to requisition documents and receive evidence it does not have the power to make an order in furtherance of that evidence. In other words, NCSC can record a factual finding and then ask the concerned Government, either the Centre or the State to act thereupon. At this stage it would be appropriate to refer to the submission of the NCSC which states that the word "safeguards" is an enforcement limb of Sub-article (5). Such a submission is difficult to accept in view of the explicit language of the Article. It certainly does not

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2 {2026 SCC OnLine 1398}

> confer adjudicatory power, at best recommendatory in nature. The power provided is to inquire into the deprivation of “rights and safeguards” of the Scheduled Castes. The use of the word “and” indicates that rights and safeguards are to be read together as a bundle.

9. In view of the aforesaid enunciation of law, this Court finds that the SC/ST Commission, having only recommendatory powers, is not empowered to adjudicate the dispute or direct registration of an FIR against the petitioners. Upon perusal of the relevant noting made by the then Chairman of the Commission, it appears that a direction was issued for registration of an FIR against the petitioners, which is beyond the jurisdiction of the Commission. Accordingly, the impugned orders/recommendations dated 20.04.2023 and 24.04.2023 are hereby quashed and set aside. Consequently, the writ petition stands **allowed.**

SD/-
(Amitendra Kishore Prasad)
Judge

AMIT PATEL