



2024:CGHC:45992-DB

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 455 of 2024**

Radhika Prasad Sahu S/o Late Basant Sahu Aged About 56 Years  
Resident Of Village Panchayat Joor, Tehsil Bhaiyathan, District  
Surajpur, Chhattisgarh-497231

**... Petitioner****versus**

**1** - State Of Chhattisgarh Through The Superintendent Of Police,  
District Surajpur Chhattisgarh 497229

**2** - State Of Chhattisgarh Through The Station Head Officer, Ps  
Surajpur, District Surajpur Chhattisgarh 497229

**3** - State Of Chhattisgarh Through Sub Divisional Magistrate,  
Bhaiyathan, District Surajpur Chhattisgarh 497231

**4** - Gram Panchayat, Joor Through The Sarpanch, Village Joor, Tehsil  
Bhaiyathan, District Surajpur, Chhattisgarh 497231

**... Respondents**

For Petitioner	:	Mr. N.K. Shukla, Senior Advocate along with Mr. Shailendra Shukla, Ms. Priya Mishra and Mr. Dinesh Kumar Bole, Advocates
For Respondents	:	Mr. S.S. Baghel, Advocate

**Hon'ble Shri Ramesh Sinha, Chief Justice****Hon'ble Shri Amitendra Kishore Prasad, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****25.11.2024**

1. Heard Mr. N.K. Shukla, learned Senior Advocate along with Mr. Shailendra Shukla, Ms. Priya Mishra and Mr. Dinesh Kumar Bole, learned counsel for the petitioner. Also heard Mr. S.S. Baghel, learned Panel Lawyer, appearing for the respondents/State.
2. The present petition has been filed by the petitioner with the following prayers:

*“i. Issue a writ order or direction in the nature of Mandamus transferring the investigation in Crime No. 589 of 2024 lodged on 23.10.2024 in the Police Station Surajpur, District Surajpur under Section 296(b), 351 (3), 115(2), 326 (g), 324 (3), 191 (2) and 191 (3) of the Bhartiya Nyay Sanhita, 2023 to Central Bureau of Investigation or any other independent investigating agency, and direct the respondent/State police authorities to immediately hand over all documents and evidences pertaining to the criminal proceedings initiated by them to such agency to ensure the fair investigation of the Crime;*

*ii. Alternatively, Issue a writ order or direction in the nature of Mandamus commanding the Superintendent of Police Surajpur to ensure the fair investigation of the Crime being Crime No. 589 of 2024 lodged on 23.10.2024 under Section 296(b), 351 (3), 115(2), 326 (g), 324 (3), 191 (2) and 191 (3) of the Bhartiya Nyay Sanhita, 2023 in the Police Station Surajpur, District Surajpur by transferring the investigation to some other investigating Officer, in the better interest of justice and also this Hon'ble Court may graciously be pleased to monitor the investigation so as to secure the ends of justice;*

*iii. Issue a writ order or direction in the nature of Mandamus*

*directing the Respondents to immediately arrest the erring Officials and proceed against them departmentally as per Rules*

*iv. Pass any such further order(s) as deemed fit and proper in the facts and circumstances of the case”*

3. Brief facts of the case are that the present petition is being preferred under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus or any other appropriate writ, order or direction, directing the Respondents (State of Chhattisgarh) to immediately initiate a thorough investigation into the incident of uprooting of the Petitioner(s)' crops by the local goons of village Joor, Police Station and District Surajpur, on 22.10.2024. Despite the pendency of litigation qua the subject land before revenue authorities, the official post bearers of the village Joor along with certain villagers forcefully trespassed into the land of the petitioners and uprooted the crops grown by the petitioners by alleging the land belongs to the Government, as such the Petitioners holds no right to cultivate crop over the said land. The said act is wholly atrocious, egregious, illegal and amounts to an offence under the Bhartiya Nyay Sanhita 2023. The Petitioners made various attempt to invite attention of the investigating authorities so that the investigation can be launched and the guilty can be punished who have violated the rights of the Petitioners. For the reasons best known to the Respondents, no attempts for fair investigation has been made by them. As a matter of fact, the Petitioners also received severe injuries due to blows and stone pelting made by the various offenders. As the Respondents have failed to

perform their duty, the Petitioners are left with no remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India, 1950. Hence, this Petition.

4. It has been argued by the learned counsel for the petitioner that there are allegations and counter allegations against both the parties. FIR No. 588/2024 has been lodged on 22.10.2024 by one Santosh Sahu against Kanhaiyalal, Bhaiyalal, Panna Lal, Smt. Santra and Smt. Sumitra Sahum with respect to the incident which is alleged to have occurred on 22.10.2024 at 13:30 hours, whereas FIR No. 589/2024 has been lodged by the petitioner against 16 persons on 23.10.2024 with respect to the incident that is alleged to have occurred on 22.10.2024 at 11:00 hours. The dispute is with respect to some plot and it is stated that the same belongs to the petitioner and the petitioner has further stated that a civil litigation is pending before the Board of Revenue and the petitioner along with others has approach this Court wherein, the learned Single Judge has passed the order of status quo and in spite of the status quo order passed, the crops cultivated in the field of the petitioner has been harvested and the petitioner who is the informant of the case has lodged FIR bearing Crime No. 589 of 2024 against the accused persons who are 16 in number including Santosh Sahu who has earlier lodged an FIR against the petitioner and others. The petitioner has come up before this Court for CBI Investigation or investigation by any other independent agency.

5. Considering the facts and circumstances of the case, as there is

allegations and counter allegations leveled against the petitioner and complainant against each other and investigation is still pending, the Superintendent of Police, Surajpur is directed to ensure that the investigation of both the cases be conducted in a fair and proper manner and he shall also monitor those cases, direct the Investigating Officer to submit police report under Section 173(2) of the Cr.P.C., if any, before the competent Court, in accordance with law.

6. In view of the above observation, the present petition is accordingly **disposed of**.

Sd/-  
**(Amitendra Kishore Prasad)**  
**Judge**

Sd/-  
**(Ramesh Sinha)**  
**Chief Justice**

**Manpreet**