



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 779 of 2026

Ramratan Kaushik S/o Lt. Shivdulare Kaushik Aged About 65 Years
R/o Beltara, P.S. Ratanpur, District-Bilaspur (CG)

... Petitioner(s)

versus

1. State of Chhattisgarh Through The Secretary Home, Mantralaya, Mahanadi Bhawan, Naya Raipur District- Raipur (CG)
2. The Superintendent of Police Bilaspur, District-Bilaspur (CG)
3. State of Chhattisgarh Through Sho, P.S. Ratanpur, Distt. Bilaspur (CG)
4. District Education Officer Bilaspur, District-Bilaspur (CG)
5. Dilip Jaisawal S/o Late Duchiram Jaiswal Aged About 45 Years Occupation Agriculturist Cum Business, R/o Beltara, Police Station Ratanpur Tahsil And District Bilaspur (Cg)

... Respondent(s)

(Cause-title taken from Case Information System)

Order Sheet

18/03/2026	Heard Mr. Shikhar Agnihotri, learned counsel for the petitioner. Also heard Mr. Nitansh Kumar Jaiswal, learned Deputy Government Advocate appearing for the State/respondents No. 1 to 4. Learned counsel for the petitioner submits that the wife of the petitioner, namely Smt. Ishwar Bai Koushik, was serving as Sarpanch of Gram Panchayat Beltara during the relevant period. During her tenure, the Principal of Government Higher Secondary School, Bemetara, submitted complaints dated 30.01.2022 and 14.02.2022 alleging that the Government High School, Beltara, constructed in the year 2006–07, had fallen into a dilapidated condition. It was further alleged that since January 2022, unknown miscreants had been stealing doors and windows of the said school building, and accordingly, a request was made to the SHO, Ratanpur, to take appropriate action. It is further submitted that local

newspapers also reported the deteriorating condition of the said school building.

It is further contended by the learned counsel for the petitioner that on 26.05.2023, the petitioner, along with members of the Shiksha Samiti and the Principal, inspected the school premises and found that from the backside of the building, windows, grills, courtyard railings, and other fixtures had been stolen. The petitioner immediately informed the SDM, Shri Shubhash Singh Raj, who orally directed the Shiksha Samiti members to secure the remaining materials. Subsequently, on 28.05.2023, certain minor students aged between 12 to 14 years were found involved in removing windows; their parents were called and, after counseling, the matter was resolved.

Learned counsel for the petitioner would submit that on 29.05.2023, with the consent of the School Shala Prabandhan Samiti, the remaining windows, doors, channel gates, and railings were carefully detached from the damaged structure to prevent

further theft and were kept in safe custody at the Girls Saheli Prathmik School Building, Beltara. The Farsi stones were utilized by the Principal within the school/college premises. It is submitted that the petitioner has never retained possession of any school property for personal use and that all materials were kept within the school premises with the knowledge and consent of the Shiksha Vikas Samiti. Such preventive action was necessitated due to continuous theft incidents between 2022 and May 2023. He further stated that respondent No. 5, who initiated complaints against the petitioner, had earlier been subjected to encroachment proceedings by Gram Panchayat Beltara and was penalized by the Hon'ble High Court with costs of Rs. 20,000/- in Writ Appeal No. 129/2021.

Learned counsel for the petitioner submits that the petitioner has not committed any act of mischief or caused damage attracting penal liability. On the contrary, pursuant to repeated complaints by

respondent No. 5, an inquiry was conducted by the Sub-Engineer, Janpad Panchayat Bilha, who submitted a report dated 21.02.2024 to the Chief Executive Officer, Janpad Panchayat Bilha. He further submits that a subsequent inquiry conducted by a three-member committee on 03.07.2024 concluded that the removal of windows, doors, channel gates, and railings was carried out with the consent of the Shala Vikas Samiti and that all such materials were kept safely within the school premises. The committee found that no offence was made out against any individual. It is also submitted that the petitioner informed the District Education Officer, Bilaspur, regarding the aforesaid facts vide representation dated 26.12.2025.

It is further argued by the learned counsel for the petitioner that the District Education Officer, Bilaspur, communicated to the SHO, Ratanpur, that although respondent No. 5 alleged theft of Rs. 65,00,000/-, the total estimated value of the school

property was only Rs. 24,61,000/-. It is also submitted that the Collector reported to the Director, Public Instruction, that the detached materials from the deteriorated school building were safely kept within the school premises and that no theft had been committed by the petitioner. He further stated that despite the availability of material demonstrating that the petitioner has not caused any damage to public property, an FIR has been registered against the petitioner and the then Principal. Prima facie, from a reading of the FIR and the material on record, no offence under Section 427/34 IPC or Section 3 of the Prevention of Damage to Public Property Act appears to be made out. The FIR appears to have been lodged at the instance of respondent No. 5 with an intent to harass the petitioner.

Accordingly, issue notice to the respondents by speed post.

Learned State counsel accepts notice on behalf of respondents No. 1 to 4; hence, issuance of notice

to them is dispensed with.

Process fee be paid within one week for issuance of notice to respondent No. 5.

Notice be made returnable within four weeks.

Two weeks' time is granted to learned State counsel and respondent No. 5 to file their reply-affidavits. Thereafter, two weeks' time is granted to learned counsel for the petitioner to file a rejoinder-affidavit.

List the matter thereafter.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice