



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

W.P.(C). No. 2826 of 2022

1. Jasbir Singh Makkad, S/o Late Shri Jagdish Singh Makkad, aged about 55 years, Ward No. 13, Station Road, Mahasamund, Tehsil & District Mahasamund (C.G.)
2. Jasmeet Singh Makkad @ Badal Makkad, S/o Jasbir Singh Makkad, aged about 27 years, Ward No.13, Station Road, Mahasamund, Tehsil & District Mahasamund (C.G.)

... Petitioners

versus

1. State of Chhattisgarh, through: Collector Mahasamund, District Mahasamund (C.G.)
2. Sub Divisional Officer (Revenue), Mahasamund, District Mahasamund (C.G.)
3. Chhattisgarh State Scheduled Caste Commission, Raipur, through: its Member Secretary, Old Lok Sewa Ayog Bhawan, Block C, Bhagat Singh Chowk, Shankar Nagar Road, Raipur, District Raipur (C.G.)
4. Scheduled Caste and Scheduled Tribe Welfare Police Station, through: its Deputy Superintendent of Police, Mahasamund, District Mahasamund (C.G.)
5. Vikash Kumar (Ganda) @ Vikas Kumar Kshatriya, S/o Shankar Kumar, aged about 25 years, R/o Ward No.23, Mahasamund, Tehsil & P.S. Mahasamund, District Mahasamund (C.G.)

... Respondents

29/06/2022	Mr. Surfaraj Khan, Advocate, for Petitioners. Mr. Vikash Shrivastava, Panel Lawyer, for Respondents No.1, 2 & 4, on advance copy. Heard on Admission. Writ Petition is admitted for hearing. Since the State Counsel accepts Notice on behalf of Respondents No.1, 2 & 4, issuance of Notice to them stands dispensed with. Let Notice be issued to Respondents No.3 & 5 as per Rules. Also heard on I.A. No.1 - Application for Interim Relief. Issue Notice on I.A. No.1 as well. Considering the nature of Order passed by Respondent No.3 – Commission, prima facie, this Court is of the opinion that the said Order so far as issuance of bailable warrant is concerned seems to be in excess of power and jurisdiction conferred upon the Commission.



Accordingly, purely as an interim measure, till the next date of hearing there shall be stay on the effect and operation of the Order passed by Respondent No.3 – Commission so far as issuance of bailable warrant is concerned. However, the Commission would be at liberty to proceed further with the proceedings in accordance with law without pressing upon the Order for bailable warrant.

Mr. Ravi Bhagat, Advocate, at this juncture submits that he has inadvertently accepted Notice on behalf of Respondent No.3 – Commission in the instant case. Accepting his contention, his presence stands dispensed with.

Sd/-
(P. Sam Koshy)
JUDGE