



2026:CGHC:21258



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2826 of 2022**

1 - Jasbir Singh Makkad S/o Late Shri Jagdish Singh Makkad, Aged About 55 Years, R/o Ward No. 13, Station Road, Mahasamund, Tehsil and District Mahasamund, Chhattishgarh

2 - Jasmeet Sing Makkad @ Badal Makkad S/o Jasbir Singh Makkad, Aged About 27 Years, R/o Ward No. 13, Station Road, Mahasamund Tehsil and District Mahasamund, Chhattishgarh

... Petitioner(s)**versus**

1 - State of Chhattisgarh Through Collector Mahasamund, District Mahasamund Chhattigarh

2 - Sub Divisional Officer (Revenue) Mahasamund District Mahasamund, Chhattishgarh

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 Chhattisgarh



4 - Scheduled Caste & Scheduled Tribe Welfare Police Station, Through its Deputy Superintendent of Police Mahasamund, District Mahasamund Chhattisgarh

5 - Vikash Kumar (Ganda) @ Vikas Kumar Kshatriya S/o Shankar Kumar, Aged About 25 Years R/o Ward No. 23 Mahasamund, Tehsil and P.S. Mahasamund District Mahasamund Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Surfaraj Khan, Advocate

For Respondent(s) : Mr. Soumitra Kesharwani, Panel Lawyer

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

06/05/2026

1. By way of this petition, the petitioners assails the bailable warrant dated 9.6.2022 issued by respondent No.3 (Chhattisgarh State Schedule Caste Commission). It is contended that the Commission is not empowered to issue warrants, as such authority is absent from the powers and functions enumerated under Section 10 of the Chhattisgarh Rajya Anusuchit Jati Ayog Adhiniyam, 1995 (henceforth, the Act, 1995).
2. The petitioner has prayed for the following reliefs :

*10.1 That, this Hon'ble Court may kindly be pleased to
issue a Suitable Writ (s), Order (s), Direction (S), by*



quashing the entire proceeding of warrant dated 09/06/2022 (Annexure P/1) issued by the office of The Chhattisgarh State Scheduled Caste Commission, Raipur (respondent no. 3) to the office of respondent no. 4 herein and its consequences.

10.2 That, this Hon'ble Court may kindly be pleased to call the entire records from the court below for its kind perusal.

10.3 Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted.

3. Stated concisely, the facts of the case, as canvassed by the petitioners, are that petitioner No.1 and petitioner No.2 are father and son respectively. Respondent No.2 has issued a caste certificate in favour of respondent No.5 as 'Gada'. Respondent No.5, claiming to be a member of Scheduled Caste, filed a complaint against the petitioners before the office of respondent No.3 (the Commission/Ayog) with regard to a dispute of misappropriation of funds and the exploitation of Scheduled Caste labours by certain officials and contractors of the Food Corporation of India. In this regard, the petitioners entered appearance before the office of respondent No.2 and filed their reply and petitioner No.2 also recorded his statement before



respondent No.3. Earlier, respondent No.3 had issued notices to the petitioners, who duly appeared and submitted their submissions. Due to continuous harassment by respondent No.5, petitioner No.2 lodged a written complaint with the Superintendent of Police, Mahasamund. It is contended that the entire proceedings initiated by respondent No.3, specifically the issuance of a warrant against petitioner No.1, alleging non-appearance, are illegal and without jurisdiction. Hence, this Petition.

4. Mr. Surfaraj Khan learned counsel for the petitioners submits that the respondent No.3 – Commission does not have the requisite power and jurisdiction to pass the warrant as Section 10 of the Act, 1995 does not provide for issuance of the same under the powers and functions of the Commission. This position was held by this Court in the matter of **Tulsi Ram Vs. State of CG and others (WPC No.1760/2012 decided on 17.11.2016)**. He further submits that the petitioners concerned had already entered an appearance before the office of respondent No.3 (Commission). He further submits that the Commission cannot compel the petitioners to participate in the examination of witnesses by issuing warrant against them. Hence, he prays to allow the petition.
5. Per contra, Mr. Soumitra Kesharwani, learned counsel for the State submits that on a complaint made by respondent No.5, the Commission took cognizance of the matter and recorded the



statements of the complainant and other witnesses on 27.12.2001 and 31.1.2022 respectively. The Commission issued repeated summons to petitioner No.1 in respect of the said complaint. Despite the receipt of repeated summons, petitioner No.1 failed to appear before the Commission. Consequently, on 9.6.2022 a bailable warrant was issued to ensure his appearance on 21.6.2022. Petitioner No.1 appeared before the Commission on 21.6.2022 and his statement has since been recorded. In view of the petitioner's appearance and recording of his statement, the grievance regarding the bailable warrant no longer survives. The proceedings before the Commission are currently going on and have not yet reached finality. He further submits that no adverse order has been passed against the petitioners that would provide them with a fresh cause of action.

6. I have heard learned counsel for the parties and have also perused the record with utmost circumspection.
7. Admittedly, a bailable warrant dated 9.6.2022 was issued by the Chhattisgarh State Scheduled Caste Commission against petitioner No.1. For a ready reference of the Commission's statutory powers, Section 10 of the Act, 1995 is reproduced below :

10. Powers of the Commission : *The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a Civil Court trying a suit and in particular, in respect of the following matters, namely:-*

(a) summoning and enforcing the attendance of any



person from any part of the State and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any Court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

8. Further, Section 30 of the Code of Civil Procedure (in short “the CPC”) is reproduced below :

30. Power to order discovery and the like.- *Subject to such conditions and limitations as may be prescribed, the Court may, at any time either of its own motion or on the application of any party,-*

(a) make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence;

(b) issue summonses to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid;

(c) order any fact to be proved by affidavit.

9. Section 32 of the CPC reads as under :

32. Penalty for default. - *The Court may compel the attendance of any person to whom a summons has been issued under section 30 and for that purpose*



may-

- (a) issue a warrant for his arrest;*
- (b) attach and sell his property;*
- (c) impose a fine upon him [not exceeding five thousand rupees];*
- (d) order him to furnish security for his appearance and in default commit him to the civil prison.*

10. A plain reading of the provisions of the Act, 1995 as well as the CPC, clarifies that the Commission has been vested with the powers of a Civil Court trying a suit. Hence, upon non-compliance with the notice issued to the petitioner, the Commission issued a bailable warrant in the sum of Rs.500/- only to secure his presence for recording of evidence on 21.6.2022, and for no other purpose. While the functions of the Commission are primarily advisory in nature and it has not been conferred with adjudicatory powers, in the present case, a complaint was received and the petitioner was summoned to verify its truthfulness. On the petitioner's repeated failure to appear before the Commission on 24.2.2022, 29.3.2022 and 25.4.2022 as directed, the Commission issued a bailable warrant only to secure his presence. Such an action, intended to enforce attendance, cannot be said to be contrary to law.
11. Moreover, no adjudication has been conducted by the Commission. The Commission only issued summons to the petitioner and upon the petitioner's failure to appear, took recourse to Section 32 of the CPC. Since Section 32 empowers a



Civil Court to issue a bailable warrant to secure the presence of a person who fails to appear, this action is in complete consonance with the provisions of Section 10 of the Act, 1995, which confers such Civil Court powers upon the Commission.

12. For the foregoing reasons, this Court is of the view that the Commission has not committed any illegality in issuing the memo dated 9.6.2022 to the concerned Deputy Superintendent of Police (AJAK), Mahasamund to execute bailable warrant in the sum of Rs.500/- for securing the presence of petitioner No.1 on 21.6.2022 at 1:00 p.m. in the office of the Commission (respondent No.3). Once the Commission has been vested with the powers of a Civil Court under Section 10 of the Act, 1995, it is fully competent to pass such orders and is legally empowered to enforce the attendance of the concerned person.
13. At this juncture, it is pertinent to note that in pursuance of the aforesaid bailable warrant, the concerned petitioner has already entered his appearance before the Commission. Thus, no cause of action now survives in his favour.
14. Accordingly, the Petition being devoid of merits is liable to be and is hereby dismissed.

Sd/-
(Amitendra Kishore Prasad)
Judge