

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No.49 of 2016**

Smt. Hemlata Namdeo, wife of Shri R.K. Patker, aged about 38 years, R/o Village Hasda No.1, Police Station Magarload, Tahsil Kurud, District Dhamtari (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Chief Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur.
2. Superintendent of Police, Office of Superintendent of Police, Dhamtari, District Dhamtari (CG).
3. Tahsildar, Narharpur, District Kanker, Ex. Tahsildar Magarload, District Dhamtari (CG).
4. Bisahu, Son of Shri Ramlal Sahu, aged about 50 years, R/o Village Hasda No.1, Tahsil Kurud, District Dhamtari (CG).
5. Nutan Sahu, wife of Manharan Sahu, R/o Village Hasda No.1, Tahsil Kurud, District Dhamtari (CG).

---- Respondents

For Petitioner : Shri Vinod Kumar Sharma, Advocate.
For Respondents/State: Shri Adiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

29/02/2016**(1)** Heard.

(2) Learned counsel appearing for the petitioner submits that the despite report made by the petitioner, the matter has not been properly investigated by the respondent No.2/Superintendent of Police, Dhamtari and the enquiry report submitted by the

respondent No.2-Superintendent of Police, Dhamtari dated 31.12.2015 also deserves to be quashed.

(3) It is not in dispute that the petitioner's civil suit for specific performance of the contract has been dismissed by the trial Court on 27.08.2011. Against which, the petitioner filed first appeal bearing first appeal No.198/2011 (Smt. Hemlata Namdeo Vs. Bisahu & another), which is pending consideration before this Court and in which, interim order has also been passed by this Court and for non-compliance of interim order, the petitioner has also filed the contempt petition No.293/2015 (Smt. Hemlata Namdeo Vs. Bisahu Ram Sahu & Ors.), which is also pending consideration before this Court.

(4) In view of the aforesaid factual matrix, I do not find any good ground to issue writ of mandamus against the respondents for directing the CBI to investigate the matter.

(5) Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-