

Subhash Chandra Garg And Ors Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Sept. 18, 2018

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Sharmila Singhai, Shashank Thakur

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. The petitioners are scrap dealers. They have preferred this writ petition seeking direction to the respondent authorities to allow the petitioners to

open and run the shop, which is presently closed on an oral order of the respondent authorities, as also to allow the petitioners to carry on their

business in accordance with law.

2. This Court had directed the respondents to file affidavit explaining as to under what authority of law by oral order by the concerned Police Station

i.e. respondents No.5 & 8, the petitioners' shops have been closed.

3. Shri Deepak Jha, SP, Raigarh has filed his affidavit stating that there is no oral direction to any of the police authority to ask the petitioners to close

their shops and that the petitioners are entitled to carry on their business in the premises legally and so long as they carry on their business as per law

after obtaining due permission required under the Shops and Establishment Act and other relevant laws, there could not be any restrictions on the

petitioners.

4. In view of the affidavit filed by the SP, there should not be any apprehension in the mind of the petitioners that they will not be allowed to carry on

their business in accordance with law. However, at the same time, there cannot be any blanket direction against the police authorities not to take any

action against the petitioners. Whenever there is suspicion or information with the police that any person including the petitioners has committed any

unlawful act or the act which is penal in nature, the police authorities have powers under the Code of Criminal Procedure to deal with the same in the

manner known to law.

5. In view of the above, the Writ Petition stands disposed of.