



2026:CGHC:26127

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4173 of 2022

Avinash Sahu S/o Late Shri Lakhan Lal Sahu Aged About 57 Years R/o
21 Dungaji Colony, Near Ayurvedik College Raipur Tehsil And District
Raipur Chhattisgarh

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of
General Administration, Mahanadi Bhawan, Mantralaya, Atal Nagar,
District Raipur Chhattisgarh

2 - Chhattisgarh Rajya Mahila Ayog Through Secretary, Gayatri
Bhawan, 13 Jal Vihar Colony Raipur, District Raipur Chhattisgarh

3 - Smt. Sushma Sahu W/o Avinash Sahu Aged About 52 Years R/o 21
Dungaji Colony, Near Ayurvedik College, Raipur Tehsil And District
Raipur Chhattisgarh

--- Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s) : Mr. Anuroop Panda, Advocate
For Respondent/ : Mr. Shreyansh Mehta, Panel Lawyer
State
For Respondent : Mr. Vikram Sharma, Advocate
No.2
For Respondent : None, despite service of notice.
No.3

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

25/06/2026

1. Heard.
2. By way of this petition, the petitioner seeks the following reliefs :

a) That this Hon'ble Court may kindly be pleased to call the entire records from the respondent No. 2.

b) That, this Hon'ble Court may kindly be pleased to set aside the impugned order dated 28/06/2022 Annexure P/1.

c) Any other relief, which this Hon'ble Court deems fit and proper, may also kindly be granted to the petitioners, in the interest of justice.

3. Learned counsel for the petitioner submits that the impugned order which has been passed by the Chhattisgarh *Rajya Mahila Ayog* (in short "the *Ayog*") is without jurisdiction and legal competence. He submits that the *Ayog* has passed an order of maintenance, whereas it possess only recommendatory powers.

While doing so, the *Ayog* has usurped the jurisdiction of the Family Court. He further submits that under Section 125 of the Cr.P.C., any application for maintenance must be filed before the competent Family Court, to be decided in accordance with law after following the prescribed statutory procedure. This course was not followed in the present case. Further, the impugned order was passed on the basis of the signature of the petitioner on certain documents under the assurance that the dispute would be settled. He also submits that though the Commission recorded that a compromise had been reached on written terms/undertaking, binding the petitioner to pay a sum of Rs.8,000/- per month to respondent No.3, but the petitioner contends that no such agreement was ever concluded. In fact, no mutual compromise ever existed and as such, the impugned order passed by the *Ayog* is illegal and arbitrary. In support of his submissions, learned counsel would place reliance on the judgments rendered in the matter of **Bhabani Prasad Jena Vs. Convenor Secretary, Orissa State Commission for Women and another** reported in **(2010) 8 SCC 633** and **Shri Dr. Wansainbor Lyngwi Vs. The Meghalaya State Commission for Women and another** reported in **2018 SCC Online Megh 25**. He lastly prays to set-aside the impugned order.

4. Learned counsel for the *Ayog*/Respondent No.2 as also learned counsel for the State, latter being a formal party in this case jointly submit that a perusal of the order sheet and the relevant documents reveal that a compromise had been arrived at

between the parties and accordingly, the Ayog has passed the impugned order.

5. Heard learned counsel for the parties and also perused the documents annexed with the petition.
6. A perusal of the record would show that whereas both the parties had previously appeared before the Ayog on 28.6.2022, the allegation now levelled by the petitioner-husband are unrebutted due to non-appearance of the wife (respondent No.3) before this Court, despite service of notice. Hence, in my view, the veracity of the assertions made by the complaint cannot be overlooked at this stage.
7. In **Bhabani Prasad Jena**, the following was held by the Hon'ble Supreme Court in para 9, 10, 13 & 26 :

9. It would be seen from Section 10 of the 1993 Act that the State Commission has been authorised to take up studies in respect of economic, educational and health situation of the women of the State and also the working conditions of women in the factories, establishments, construction sites and make its recommendations to the State Government. The State Commission is empowered to compile information in respect of the offences against women and to coordinate with the State Cell and District Cells for atrocities against women. Further, the State Commission is competent to receive complaints in respect of the matters specified in Section 10(1)(d) and take up the grievances raised in the complaint(s) with the authorities concerned for appropriate remedial measures. The State Commission is also given the role of assisting, training and orienting the non-governmental organisations in the State in legal counselling of poor women and enabling such women to get legal aid. Under clause (f) of Section 10(1), the State Commission is authorised to inspect

or cause to be inspected, a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise and take up with the authorities concerned these matters for remedial action.

10. *In other words, the State Commission is broadly assigned to take up studies on issues of economic, educational and health care that may help in overall development of the women of the State; gather statistics concerning offences against women; probe into the complaints relating to atrocities on women, deprivation of women of their rights in respect of minimum wages, basic health, maternity rights, etc. and upon ascertainment of facts take up the matter with the authorities concerned for remedial measures; help women in distress as a friend, philosopher and guide in enforcement of their legal rights. However, no power or authority has been given to the State Commission to adjudicate or determine the rights of the parties.*

13. *It is clear to us that the legislature has not gone so far as to give jurisdiction to the State Commission to make an order such as the one that has been made. From whatever angle we may examine the validity of the directions given by the State Commission in its order dated 11-5-2009, it appears to us that the said order was outside the jurisdiction, power or competence of the State Commission. It was an order which the State Commission had no competence to make and, therefore, a void order. The High Court instead of correcting that order went a step further and directed that DNA test of the child as well as the appellant shall be conducted.*

26. *We clarify that our order shall not preclude Respondent 2 from claiming maintenance or any other order of financial support against the appellant in appropriate proceedings from the court of competent jurisdiction or in the petition*

filed by the appellant before the District Judge, Khurda, Bhubaneswar. Obviously the appellant shall be at liberty to contest the claim of Respondent 2 on all available grounds and the court concerned shall consider and determine such claim in accordance with law on its own merits. The parties shall bear their own costs.

8. Reverting to the facts of the present case, in light of the principles laid down in the aforementioned case, and considering the submissions advanced by learned counsel for the petitioner, which have not been rebutted by any documentary or oral evidence, coupled with the non-appearance of respondent No.3, this Court is of the opinion that such order could not have been passed by the Ayog. The Ayog possesses only recommendatory powers and does not have the jurisdiction to fix the monthly maintenance, which is the adjudicatory power vested solely with the competent Family Court.
9. Accordingly, the impugned order is quashed. However, liberty is granted to the respondent No.3 to approach the competent Court for seeking maintenance in accordance with law.
10. With the aforesaid observations/directions, the Petition is finally disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge