



Serial No. 04
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 5 of 2024

Date of order: 25.03.2025

Amit R. Marak
S/o Smti. Amuli R. Marak,
R/o Nikrang Ading, Tura,
West Garo Hills District, Meghalaya.

...Petitioner

- Versus -

1. Union of India represented by Secretary to the Govt. of India,
Ministry of Housing and Urban Affairs, New Delhi.
2. The Director, Central Bureau of Investigation, New Delhi.
3. State of Meghalaya represented by Chief Secretary to the Govt.
of Meghalaya, Shillong.
4. Secretary to the Govt. of Meghalaya,
Department of Sports and Youth Affairs, Shillong.
5. Deputy Commissioner,
West Garo Hills district, Tura.
6. Chairman/Head (CPG),
Hindustan Steel Works Construction Limited, (A subsidiary of
NBCC India Ltd.), Kolkata, West Bengal.
7. Managing Director/Director,
Badri Rai Constructions Pvt. Ltd., having its registered office at
Station Road, P.O. Duliajan, Assam.

...Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge



Appearance:

For the Petitioner : Mr. S. Deb, Adv.

For the Respondents : Mr. A.H. Kharwanlang, Addl.Sr. GA [For R3-5]
Dr. N. Mozika, Sr. Adv. with
Ms. K. Gurung, Adv.[For R 7]

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes
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Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

ORDER: (per the Hon'ble, the Chief Justice) (Oral)

The government has made a mega sports complex at Tura. It is known as P.A. Sangma Integrated Sports Complex. It is spread over 10 acres. Within itself, it has a football ground, 1 indoor swimming pool and 1 indoor hall (basketball and badminton court). Its beauty is further enhanced by landscaping.

One resident of the area filed a public interest litigation which was entertained by the Court. The prayer was an inquiry into collapse of a boundary wall. This Court entertained it. Orders were passed from time to time. The boundary wall was repaired and the petition disposed of. It broke again. Another proceeding followed. Again it was repaired and the concerned public interest litigation was disposed of.



This is a fresh petition complaining of the boundary wall breaking down again.

Both the State representing by Mr. A.H. Kharwanlang, learned Addl. Sr. GA and Dr. N. Mozika, learned DSGI representing the contractor have made common submissions.

Their submission is that first of all the boundary wall which broke down was temporary in nature. There was severe rain and flooding with water rushing towards the temporary structure damaging it more than once but it was repaired. Now, there is a permanent boundary wall. There is no problem in the stadium or in the sports complex. However, learned counsel for the petitioner says that this work was done without proper technical evaluation and decision.

We sound a note of caution with regard to entertaining public interest litigation.

It is not a jurisdiction where any alleged fault or dereliction of duty or failure to act on the part of the government is to be brought to the notice of the Court. If any person is aggrieved, the proper remedy is regular litigation between the person aggrieved and the government.

Only if there is some grave dereliction of duty affecting the public at large and those affected by reason of lack of education or



knowledge of legal rights or economic hardship or marginalisation in society are unable to approach the Court, that the Court may be approached in this jurisdiction. If every alleged act of commission or omission of the government becomes the subject-matter of public interest litigation, neither the government nor the Court can function. Public interest litigation is also not the domain for busy bodies. In this case, there is not even an injury caused to any person. There was breakdown of a temporary structure which was repaired from time to time. There is no complaint that the integrated sports complex is unable to function because of some inaction on the part of the government. Unnecessary, time of the Court has been consumed by this litigation by a busy body.

We dispose of this public interest litigation with the expectation that the permanent wall constructed would continue to stand and that the sports complex thrives.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice