

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.122 of 2016**

Umesh Kumar Jaiswal S/o Late Shri Punnial Jaiswal, Aged About 39 Years R/o Behind D.P. Vipra College Tikrapara, Thana & Post City Kotwali, Tehsil Bilaspur & District Bilaspur (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary Public Work Department, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Secretary, Chhattisgarh Lok Aayog, Gandhi Chowk Raipur, Tehsil & District Raipur (Chhattisgarh)
3. C. B. I. Office Plat No. 5- D, C G M Complex, Lodhi Road, New Delhi

---- **Respondents**

Petitioner in person.

For Respondent/State : Shri Ramakant Mishra, Dy.AG

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/03/2016**

Heard.

2. This petition has been filed by the petitioner seeking issuance of direction for holding CBI enquiry in the matter.
3. Case of the petitioner is that earlier the petitioner had raised grievance that enquiry should be made in the matter of construction of various buildings in the premises of the High Court. Grievance of the petitioner is that no steps have been taken in this regard. The petitioner had filed a petition earlier in the year 2011 registered as WPC No.7609/2011. This Court found that the petition is in the nature of PIL, therefore, it was directed to be registered as PIL. Thereafter, that petition was heard by the Division Bench of this Court and vide order dated 31-10-2012, it was

dismissed as withdrawn with liberty to avail appropriate remedy available to the petitioner under the law. Thereafter, the petitioner filed another PIL No.41/2013 which was dismissed as not maintainable vide order dated 15-07-2013. Thereafter, another petition was filed by the petitioner registered as WPC No.1012/2014 on the allegation that the complaint of the petitioner is not being enquired into by the State authorities. That petition was also disposed off vide order dated 16-05-2014, observing that the matter is pending consideration before the Chhattisgrh Lok Ayog. This Court observed that it would be open for the petitioner to pursue his complaint before the Lok Ayog. Thereafter, another writ petition was filed by the petitioner registered as WPC No.1676 of 2014. That petition was again disposed off on observing that earlier petition was disposed off only on 16-05-2014. Yet again, another writ petition was filed by the petitioner registered as WPC No.163 of 2015. That petition was also disposed off by this Court on 27-07-2015 after examining the return filed by the Lok Ayog that the enquiry is pending before the Lok Ayog

4. This petition has now been filed by the petitioner within a short period of less than six months, in which, he has now prayed for enquiry by the CBI. In this petition, the petitioner disclosed only some of the orders passed earlier and not all the orders passed by this Court from time to time.

5. When this case was listed on earlier date, during the course of arguments, it transpired that many other orders were passed on the same issue in various petitions filed by the petitioner which were not placed and suppressed, this Court granted the petitioner time to place on record orders passed in number of petitions filed by the petitioner. Thereafter, the petitioner has placed on record some of the orders which were not disclosed to this Court and conveniently suppressed. The petitioner suppressed that the second PIL i.e. WP (PIL) No.41 of 2013 was also filed by him which was dismissed by the Division Bench of this Court on 15-07-2013. In the said order, it has been recorded as below:-

4. “Since the earlier PIL filed by the petitioner, which was on the same subject issue, was dismissed as withdrawn by giving liberty to the petitioner to avail other appropriate remedies under the law, this second PIL on the same subject would not be maintainable.

5. W.P. (PIL) No.41/2013 therefore, is dismissed as not maintainable. However, the liberty granted to the petitioner in the earlier PIL shall stand as it is.”

6. It is to be noted that after first PIL (WPC No.7609 of 2011) was dismissed as withdrawn with liberty to avail appropriate remedy and second PIL (WP (PIL)No.41 of 2013 was dismissed as not maintainable, the petitioner had approached the Lok Ayog where the complaint of the petitioner has remained pending. However, the petitioner again filed petitions WPC No.1012 of 2014, WPC No.1676 of 2014 and WPC No.163 of 2015 wherein he kept on raising grievance that the complaint is not being expedited by the Lok Ayog. In the last order passed on 27-07-2015, this Court, after issuing notice to the Lok Ayog and the return filed by the Lok Ayog observed that the enquiry is being made into the complaint and all attempts are being made for expeditious disposal and it cannot be said that there is undue delay in conclusion of enquiry. This Court noticed that the petitioner is in a habit of filing petitions in the matter. However, in view of the stand taken by the respondent No.2 therein that all steps for expeditious disposal having been undertaken, the petition was finally disposed off. The PIL of the petitioner was earlier dismissed as not maintainable and only liberty granted to the petitioner was to avail other remedy which he actually availed by filing complaint before the Lok Ayog. As a sequel to previous petition, the present petition has been filed praying for enquiry by the CBI, which is clearly not maintainable. But, in order to invoke jurisdiction of this Court, the petitioner suppressed the order dated 15-07-2013 passed in WP (PIL)No.41 of 2013. On the last date of hearing, during the course of arguments, this Court enquired about other orders passed from time to time, the petitioner sought time and filed copy of order dated 15-07-2013 passed in WP (PIL) No.41 of 2013.

7. In view of above consideration, this Court is constrained to observe that the petitioner is bent upon misusing the judicial process and filing petition one after the another within a short period, even though, the matter is pending consideration before the Lok Ayog and clearly suppressing the very material fact that the second PIL was dismissed as not maintainable. Now, in this petition, the petitioner has come up with a prayer for holding enquiry by another agency. This prayer is liable to be rejected at the threshold in view of dismissal of PIL on earlier occasion.

8. In view of above, the petition is dismissed with a cost of Rs.50,000/-.

SD/-
Manindra Mohan Shrivastava
Judge