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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 51 of 2017**

P.N.Dubey S/o Shri Vyas Dubey, Aged About 46 Years R/o Gandhi Nagar, Post Fundurdihari, P. S. Gandhi Nagar, Tahsil Ambikapur, District Surguja (Chhattisgarh)

---- Petitioner**Versus**

1. The State of Chhattisgarh Through : The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil & District Raipur (Chhattisgarh)
2. The Director General of Police, Police Head Quarter, Naya Raipur, Tahsil & District Raipur (Chhattisgarh)
3. The Inspector General of Police, Surguja Range, Ambikapur, District Surguja, Chhattisgarh
4. Superintendent of Police, Surguja, District Surguja Chhattisgarh.
5. Police Station Gandhinagar, Ambikapur, District Surguja, (Chhattisgarh)
6. Police Station, AJAK, Ambikapur, District Surguja, (Chhattisgarh)
7. Police Station, Crime Branch, Ambikapur, District Surguja, (Chhattisgarh)
8. Larangram, Deputy Superintendent of Police/ Sub Divisional Officer, (Police), In Charge AJAK and Crime Branch, Ambikapur, District Surguja, (Chhattisgarh)
9. Ramsewak Paikra, Home Minister, State of Chhattisgarh, Presently working as Home Minister, State of Chhattisgarh, R/o Village and Police Station Chendra, Tahsil & District Surajpur, (Chhattisgarh)
10. Bhupesh Singh, In Charge, Crime Branch, Ambikapur, District Surguja, (Chhattisgarh)
11. Vinay Singh, Head Constable, Crime Branch, Ambikapur, District Surguja, (Chhattisgarh)

---- Respondents

For Petitioner : Shri S.C. Verma, Advocate

For Respondents/State : Shri J.K. Gilda, Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge

Judgment on Board

11/04/2017

1. We have heard the learned counsel for the Petitioner and the learned Advocate General for the Respondents/State.
2. Following an earlier round of litigation through Writ Petition (PIL) No. 58 of 2016 which was decided on 30.6.2016 through judgment-Annexure-P/2, the Petitioner moved the Hon'ble Supreme Court of India. Their Lordships handed down Annexure-P/1 order in Special Leave to Appeal (C) No. 3937 of 2017, thereby liberty was granted to the writ petitioner- P.N. Dubey to re-agitate the second prayer before the High Court.
3. Learned counsel for the Petitioner points out that the relief thus left over by the Supreme Court is the relief sought through paragraph 10.2 of this writ petition, which reads as follows:-

“10.2 That, this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, commanding and directing any appropriate suitable investigating agency to make a detail free and fair enquiry on the allegations of the Advocate Shri Dineshwar Prasad Soni and also any complaint made against Shri Dineshwar Prasad Soni and every aspect of the present matter and the issue may kindly be protected to be deeply, thoroughly and properly investigated and the same report may kindly be placed before this Hon'ble Court for just and proper decision of the case.”

4. Reading the pleadings and the grounds raised as also the reliefs claimed, it

can be seen that insofar as the afore-quoted relief is concerned, the Petitioner attempts to project the case that the ninth respondent who is the Home Minister of the State of Chhattisgarh is involved in alleged wrongful actions referable to management of funds which come under his control.

5. As rightly pointed out by the learned Advocate General, the matter can easily gain the attention of the Lok Ayog which is a statutory body in the State of Chhattisgarh. In the ultimate analysis, it would not be out of place for us to also see that the funds allotted to be utilized as part of official functions by a Minister or by a Member of Legislative Assembly would also be amenable to appropriate accounting and auditing through the audit wing of State machinery in terms of Constitution and the Laws. Hence, the writ petition is ordered directing that if the Petitioner has any subsisting grievance as regards the issue sought to be raised by him referable to the expenditure or abuse of public funds by the ninth respondent, it will be open to the Petitioner to move the Lok Ayog or any other authority in terms of the laws.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge