

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 16 of 2016**

Narayan Singh Chauhan, S/o Late Dhoor Singh Chauhan, aged about 69 years,
R/o Bortara, P.O. Jarod, P.S. Bhatapara Rural, Bhatapara, District Baloda
Bazaar, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Chief Secretary, Government of Chhattisgarh, Mantralaya, Naya Raipur, Chhattisgarh.
2. Secretary, Forest Department, Mantralaya, Naya Raipur, Chhattisgarh.
3. Principal Chief Conservator of Forests, Chhattisgarh Aranaya Bhawan, Jail Road, Raipur - 492 001, Chhattisgarh.
4. Principal Chief Conservator of Forests (Wildlife) Aranaya Bhawan, Jail Road, Raipur - 492 001, Chhattisgarh.
5. Divisional Forest Officer, Raipur, Aranaya Bhawan, Jail Road, Raipur - 492 001, Chhattisgarh.
6. Mrs. Learn Nature Consultants, D - 8, Sector 2 Awanti Vihar, Raipur.
7. Central Bureau of Investigation, Through Superintendent of Police, Bungalow No.-4, Street No. - 15, Bhilai - 490 009, District - Durg, Chhattisgarh.

---Respondents

For Petitioner	:	Ms. Rajni Soren, Advocate.
For Respondents No.1 to 5/State	:	Mr. A.S. Kachhawaha, Additional Advocate General.
For Respondent No.6	:	Mr. Anup Majumdar, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Pritinker Diwaker, J.

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

21/03/2017

1. We have considered the writ petition alongwith the reply of the official Respondents and the rejoinder of the Petitioner.
2. The Petitioner stated to be a public spirited citizen and a journalist has moved this writ petition. The challenge attempted to be levied is against the award of contract to the 6th Respondent. The nature of the contract is a consultancy work. The said contract was awarded to the 6th Respondent on 12.04.2012. If the Petitioner had been vigilant and had any real intention to espouse a public cause, he should have, in the common course of human conduct, sprung into action either into the public domain or by levying a challenge before the judicial system. It was not done. This writ petition is instituted only on 29.01.2016. The 6th Respondent failed to carry out its obligations in terms of the contract. As per Annexure R/16, that contract was terminated on 27.04.2015, that is, even before this writ petition was filed. The 6th Respondent, the consultant contractor moved this Court. It was then noticed that there was an arbitration clause governing the parties to the contract. They stood relegated to the arbitration proceedings. It is after all this that the Petitioner, apparently donning the cloak of a good samaritan attempts to challenge the very grant and selection of the 6th Respondent. The uncontroverted statement in the counter affidavit of the official Respondents is that the 6th Respondent was picked up after the process of inviting applications through a notification and considering the competitive technical and financial bids.

3. With the aforesaid materials, it would not be out of place if we were even to assume that the Petitioner could be alleged to be extending a limb of support to the 6th Respondents as well, though we may not conclude any such issue against the Petitioner herein now because we have dissuaded ourselves from imposing an order for costs against the Petitioner.
4. In the result, having found that there is no merit in this petition, the same is accordingly dismissed, however, with no order as to costs.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Pritinker Diwaker)
JUDGE