

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (PIL) NO. 46 OF 2017

Smt. Laxmi Devi Jain, W/o Late Shri Gaimdal Jain, aged about 78 years,
R/o Ward No.14, Nagar Panchayat Arjunda, Arjunda, Tahsil Gunderdehi,
District Balod (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Panchayat and Rural Development, Mantralaya, Rakhi, Post and P.S. Rakhi, District Raipur (C.G.)
2. Collector, Balod, District Balod (C.G.)
3. Chief Municipal Officer, Nagar Panchayat, Arjunda, Tahsil Gunderdehi, District Balod (C.G.)

.... Respondents

For Petitioner	:	Mr. Mayank Chandrakar, Advocate.
For Respondent-State	:	Mr. B. Gopa Kumar, Dy. Advocate General.

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

Order on Board

Per Thottathil B. Radhakrishnan, C.J.

28/03/2017

1. Heard learned Counsel for the Petitioner and learned Deputy Advocate General.
2. Having regard to the nature of the directions being issued herein under, notice to Respondent No.3 is dispensed with, preserving his rights to seek rehearing of this matter if aggrieved by the directions contained herein.
3. The Petitioner's grievance is that the land in relation to which this writ petition is filed as Public Interest Litigation, is a common grazing field and that the official Respondents have proposed to put up a wine shop in that place.
4. According to the Petitioner, the proposal is adverse to the interest of the residents of the locality and their eligibility to use the common grazing field for their cattle. It is further pointed out that the establishment of a wine

shop over that land is not something that could be done in terms of the provisions of the applicable rules which govern the common grazing field. Reliance is placed on the provisions of the Chhattisgarh Land Revenue Code and other provisions of law as well as the decisions of the Supreme Court in 1999 (6) SCC 464 [M.I. Builders Pvt. Ltd v. Radhey Shyam Sahu & Others] and 2004 (8) SCC 733 [Friends Colony Development Committee v. State of Orissa & Others].

5. We are of the view that the questions raised generate adequate public importance to be treated as Public Interest Litigation and it is the essential requirement that Respondents No. 2 and 3 independently look into the complaints raised by the Petitioner as noted above and take a decision on the proposal, if any, to put up any structure including the wine shop in the land in question. Let such decision be taken within an outer limit of three months from the date of receipt of copy of this judgment. Pending such consideration, no construction activity shall be carried forward if the construction has not been completed. In the event of construction having already been completed, the utility of that building and its continued existence will be subject to the decision that Respondents No. 2 and 3 shall take in furtherance of this judgment. It is so directed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge