

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 4 of 2017**

Santosh Shukla son of late Gore Lal Shukla, aged about 58 years, R/o., Naya Para, Near Bijli Office, Raipur, Tahsil and District Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through : The Secretary, Department of Revenue, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Secretary, State of Chhattisgarh, Housing and Urban Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
3. Commissioners, Chhattisgarh Ghrih Nirman Mandal, Indrawati Bhawan, Raipur, District Raipur (C.G.)
4. Collector, Raipur, District Raipur (C.G.)

---- Respondents

For Petitioner	:	Shri Raghvendra Pradhan, Advocate
For State/Respondent 1, 2 & 4	:	Shri J.K. Gilda, Advocate General
For Respondent No.3	:	Shri Sanjay Patel, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri P. Sam Koshy, Judge****Order on Board****Per, Thottathil B. Radhakrishnan, Chief Justice****24/04/2017**

1. The Petitioner has instituted this matter purportedly as Public Interest Litigation pointing out that the State Government is allotting land which is supposed to be common grazing fields for the construction of building to house the elected representatives of the people.
2. Through order dated 17.1.2017, the Division Bench had raised a query as to whether the Petitioner has any interest which could be treated as one, that is sufficient enough to generate as Public Interest Litigation. Even in that

order it was noted that if any of the right holders of Shamilat Charagan is aggrieved, appropriate proceedings may be raised by such persons and that the Petitioner has no right to file this petition. Apparently in answer to the said order, the Petitioner has filed an affidavit sworn on 23.4.2017 which, in our view, is a superfluous one and opposing the project rather than supporting these who would be aggrieved if the proposed Housing Board Scheme were to come in place.

3. Among the materials placed on record, the Petitioner attempts to show that the Sarpanch of the area in question has raised objections. With the changed scenario under the Constitutional provisions, the Gram Sabha is not an organ to be ignored in view of the constitutional empowerment which has come to the grass-root level. They are not voice-less institutions under the command of the State Government. If the Gram Sabha had real grievance, we are sure that their voice will not go unheard by the State Administration. For that we do not think that the arms of this Court have to be extended through this Public Interest Litigation; that too at the instance of the writ petitioner.
4. For the aforesaid reasons, we dismiss the writ petition on an issue relatable to the locus of the Petitioner, however, reserving right of the Gram Sabha of the area concerned to take its own decisions as may be found needed, in its wisdom, for the people of the area concerned.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge