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HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 18 of 2018**

1. Jai Prakash Tiwari S/o Shri Dhruva Prasad Tiwari, Aged About 29 Years R/o Village Lachhanpur, Gram Panchayat Pendarwa (N) Block Bilha, Tahsil And District Bilaspur Chhattisgarh.
2. Sanjay Tiwari S/o Shri Ram Kumar Tiwari, Aged 48 Years R/o Village Lachhanpur, Gram Panchayat Pendarwa (N) Block Bilha, Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Chief Secretary Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh.
2. The Secretary, Department Of Mines And Minerals, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh.
3. The Secretary, Department Of Forest And Environment, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh
4. Director, Department Of Mines And Minerals, Indravati Bhavan, New Raipur District Raipur Chhattisgarh.
5. Chhattisgarh Environment Conservation Board Through Its Member Secretary, Paryavas Bhavan, North Block Sector - 9, Naya Raipur Chhattisgarh.
6. The Collector, Bilaspur, District Bilaspur Chhattisgarh.
7. The Regional Officer, Air And Pollution Board, Near Deendayal Garden, Vyapar Vihar, District Bilaspur Chhattisgarh.
8. Member Secretary, District Level Environmental Samaghat Nirdharan Authority, Collectorate Office, District Bilaspur Chhattisgarh.
9. The Divisional Forest Officer, Ware House Road, District Bilaspur Chhattisgarh.
10. Mining Officer, Department Of Mines And Mineral District Bilaspur Chhattisgarh.
11. Secretary, Gram Panchayat Pendarwa (N), Village Pendarwa, Tahsil Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh.,
12. Sarpanch, Gram Panchayat Pendarva, Tahsil And Block Bilha,

District Bilaspur Chhattigarh.

---- Respondent

For Petitioners	Mr. Azad Siddique, Advocate
For Respondent /State	Mr. Yashwant Singh Thakur, Additional Advocate General

DB.: Hon'ble Mr. Justice Prashant Kumar Mishra &

Hon'ble Mr. Justice Ram Prasanna Sharma

Order On Board By

Prashant Kumar Mishra, J.

9/3/2018

1. Heard.
2. Petitioner Jai Prakash Tiwari is the Up Sarpanch of Gram Panchayat Pendarwa (N), Block Bilha, Tahsil and District Bilaspur, with whom, petitioner No.2 Sanjay Tiwari has joined hands to prefer this PIL against the same Gram Panchayat, of which, petitioner No.1 is the Up Sarpanch, alleging that the Sarpanch of the Gram Panchayat is involved in illegal mining of sand.
3. At the very inception, when petitioner No.1 happens to be the Up Sarpanch of the Gram Panchayat, it is his obligation under the C.G. Panchayat Raj Adhiniyam, 1993 (in short "the Adhiniyam") to bring it to the notice of the House i.e. Gram Panchayat, if according to him, the Sarpanch is involved in illegal mining of sand. Secondly, petitioner No.1 may move the

authorities under the Adhiniyam raising complaint about the illegal mining and thirdly, he may also move appropriate proceedings under Section 39 or 40 of the Adhiniyam instead of rushing to this Court by preferring PIL.

4. Let the petitioners explore the other avenues as indicated above.
5. Accordingly, the WP(PIL) is disposed of.

Sd/-

Judge
(Prashant Kumar Mishra)

Sd/-

Judge
(Ram Prasanna Sharma)

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