

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 84 of 2017

1. Dev Prasad Sahu S/o Shri Gambhir Prasad Sahu Aged About 35 Years R/o Village- Temri, Post And Police Station- Maana Camp, District Raipur, Chhattisgarh.
2. Hariram Sahu S/o Shri Tirth Ram Sahu Aged About 40 Years R/o Village Temri, Post And Police Station- Maana Camp, District Raipur, Chhattisgarh.
3. Thakur Ram Tandon, S/o Ghasiyaram Aged About 45 Years R/o Village Temri, Post And Police Station Maana Camp, District Raipur, Chhattisgarh.
4. Ramlal Chakradhari, S/o Shri Parmeshwar Chakradhari Aged About 60 Years R/o Village Maana Basti , District Raipur, Chhattisgarh.
5. Brahmanand Singh Thakur, S/o Shri Brijbhushan Singh Thakur, Aged About 49 Years Presently State Representative, Chhattisgarh State Congress Committee, Raipur, R/o Village And Post- Seoni-2, Abhanpur, District Raipur, Chhattisgarh.
6. Captain Rao Indulkar Ex Sarpanch S/o Late Shri Das Ram Indulkar Aged About 52 Years R/o Village Dhasera, Post Seoni-2, Abhanpur, District Raipur, Chhattisgarh.
7. Gopal Pal, S/o Shri Guhripal Aged About 45 Years R/o Village- Danvaarbhata Dhusera , Post Seoni-2, District Raipur, Chhattisgarh.
8. Mahendra Nirmalkar S/o Shri Mannulal Nirmalkar Aged About 35 Years R/o Village Dhasera, Post Seoni-2, Abhanpur, District Raipur, Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh Through Its Chief Secretary, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Managing Director, Chhattisgarh Road Development Corporation Limited CGRDC, 3rd Floor, Sirpur Bhawan Campus, Behind Akashvani, Civil Lines, District Raipur, Chhattisgarh.
3. Chairman, Railway Board, 234, Rail Bhawan, Rafi Ahmed Kidwai Marg, New Delhi, Pin Code- 110001
4. General Manager, South East Central Railway, New Zonal Building, District Bilaspur, Chhattisgarh. Pin Code 495004
5. Divisional Railway Manager DRM Raipur Division, DRM Office, Near Voltaire Gate, RVH Colony, District- Raipur, Chhattisgarh, Pin Code 492008

6. Commissioner-Cum-Director, Town And Country Planning Raipur, Indravati Bhawan, Block No. 4, Third Floor, New Raipur, District Raipur, Chhattisgarh. Pin Code 492002
7. Public Works Department, Through Its Secretary, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh. Pin Code 492002

---- Respondents

For Petitioners	:	Shri K. Rohan, Advocate
For Respondent No.1/State	:	Shri A.S. Kachhawaha, Additional Advocate General
For Respondent No.2	:	Shri Pallav Mishra, Advocate
For Respondent No.3 to 5/Railways	:	Shri Abhishek Sinha, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Pritinker Diwaker

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

11.07.2018

1. Heard the counsel for the parties.
2. The writ application which is in the nature of Public Interest Litigation (PIL) was initiated by the so-called farmers and residents of certain villages who had objection against the State Government closing down or taking over narrow gauge track lines between Kendri to Raipur for construction of a four lane road including three flyovers and one elevated corridor.
3. The anxiety expressed by the Petitioner in the present writ application seems to be misplaced because we can take judicial notice of the fact that narrow gauge track lines are now part of history and the track is not being used for any useful purpose by the Railways because larger public good for providing better connectivity

through roads on the same stretch of land available, for which due payment is being made by the State authorities to the Railways. We do not see that any purpose will be served by preventing such exercise being done by the State.

4. The PIL has served its purpose. Due approval at every level has been taken by the State as well as the Railways and since the transfer of the land is after due payment and with consent, no third party can be allowed to come in this way.
5. The writ application has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Pritinker Diwaker)
Judge