

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Reserved on 10/4/2018****Pronounced on 12/4/2018****WP(PIL) No. 35 of 2018**

A. N. Pandey S/o Late Shri Aditya Narayan Pandey , Aged About
59 Years R/o Ambikapur, Ward No. 21, In Front Of Sanjay Park
District Surguja Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Urban Administration and Rural Development Department Indrawati Bhawan Mantraya, Naya Raipur District Raipur Chhattisgarh.
2. Commissioner, Surguja Division, Ambikapur District Surguja CG.
3. Collector Surajpur, District Surajpur Chhattisgarh.
4. Assistant Director, Town and Country Planning, Regional Office Ambikapur District Surguja Chhattisgarh.
5. Chief Municipal Officer Surajpur District Surajpur Chhattisgarh.
6. Sanjay Jaiswal Contractor aged about 42 years, R/o Village Badsara , Police Station Jhilmili, Bhaiyathan District Surajpur CG.

---- Respondents

For appellant : Shri V.K. Pandey, Adv.

For State : Shri Y.S. Thakur, Addl. Adv. General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****CAV ORDER****Per Sharad Kumar Gupta, J**

1. Arguments heard.
2. Petitioner has preferred this writ petition under Article 226 of the Constitution of India seeking the relief that respondents No. 5 and 6 be prevented from constructing a bus stand over the

land bearing Khasra No. 197 situated at village Tilsivan Distt. Sarguja.

3. In brief, case of the petitioner is that in the aforesaid land some people are residing by constructing houses and huts. In revenue record, it has been mentioned that aforesaid land can be used for agricultural, residential, social, cultural and administrative purposes. Respondents No. 5 and 6 are constructing bus stand over the aforesaid land which does not fall in any of the category for which the aforesaid land can be used.
4. There is no dispute that aforesaid land is Government land, belonging to the State of Chhattisgarh. As per the letters written by respondent No. 4 vide Annexure P-1 and P-2, the aforesaid land can be used for agricultural, residential, social, cultural and administrative purposes. It is the primary duty of the local body to provide the convenient, facilitated and spacious bus stand and such other public premises. Now a days, it is a common demand of the society. Providing such premises is a constitutional, statutory and social duty of the local body. Thus, it could not be said that construction of a bus stand is not a social cause. As per the Annexure P-2, the respondent No. 5 is competent to construct bus stand after fulfilling certain conditions imposed by the Government on them. Moreover the alleged aggrieved persons have not filed this writ petition, petitioner has no *local standi* to file this writ petition.
5. Looking to the above-mentioned facts, circumstances of the case and material placed on record, this Court finds that there is no material on record which calls for interference in exercise

extraordinary jurisdiction vested to this Court under Article 226 of the Constitution of India.

6. Thus, the writ petition being devoid of merit, deserves to be and is hereby dismissed. Looking to the facts and circumstances of this case, if the petitioner has not deposited the security amount, he is directed to deposit the same within a period of 15 days from today.

7. No order as to costs.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge