

HIGH COURT OF CHHATTISGARH, BILASPUR

WPPIL No. 57 of 2019

- Vijay Bahadur Singh S/o Shri Prem Bahadur Singh Aged About 57 Years
R/o VIP Road, Bhawani Nagar, Rajnandgaon, District- Rajnandgaon,
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture,
Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. Collector Rajnandgaon, District- Rajnandgaon, Chhattisgarh.
3. Joint Director Chhattisgarh State Agriculture Marketing (Mandi) Board, Bij
Bhawan, Opposite Chhattisgarh Hotel, Ravi Gram, Telibandha, Raipur,
Chhattisgarh.
4. Secretary Agriculture Upaj (Produce) Marketing (Mandi) Samiti,
Rajnandgaon, District- Rajnandgaon, Chhattisgarh.
5. Sumeet Synfeb India Pvt. Ltd. Through Its Director, Behind Digjam
Showroom, Jeevan Bima Marg, Pandri, Raipur, District- Raipur,
Chhattisgarh

---- Respondents

For Petitioner	:	Shri T. K. Tiwari, Advocate
For State/Respondents No.1 to 4	:	Shri Gagan Tiwari, Dy. Govt. Advocate
For Respondent No.5	:	Shri Yashwant Singh Thakur, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

P. R. Ramachandra Menon, Chief Justice

29.08.2019

1. The Petitioner, proclaiming himself as the Bureau Chief of a Local
Newspaper, is before this Court with this writ petition, styled as 'Public
Interest Litigation', against the course of action pursued by the
Respondents No.1 to 4 in permitting the 5th Respondent to run a Shopping
Complex with Cinema Hall and several shops, which according to the
Petitioner, is contrary to the scheme for which the construction was
effected.

2. Heard Shri T.K. Tiwari, the learned counsel for the Petitioner. It is pointed out that steps were taken by the State of Chhattisgarh to construct a Shopping Mall with a cost of about Rs.165.26 lacs, which according to the Petitioner had come from two different sources; the Centre as well as the State. The main object of the construction of Shopping Mall was to promote the rights and interest of the farmers, to educate them, to furnish necessary materials also by displaying video-films and to make available all goods in connection with the agriculture. However, the Respondent authorities of the State invited a tender on 23.12.2010 to give the Shopping Mall on rent, by issuing necessary publication in newspapers. Pursuant to further steps, the Shopping Mall was given on rent to the 5th Respondent on 25.01.2011, subject to the conditions stipulated in the lease deed. On the basis of the said arrangements, the 5th Respondent, who is running a Shopping Mall, also installed a 'Multiplex Theatre' therein running movies, besides causing to start various shops, including jewellery and such other items, which according to the Petitioner is contrary to the scheme under challenge. It is in the said circumstances, that the writ petition has been filed with the following prayers :

“10.1 That, the Hon'ble Court may kindly be pleased to issue writ of mandamus / appropriate writ / directions / orders to the respondent no. 1 & 2 to initiate enquiry against the respondent no. 3 & 4 for permitting the respondent no. 5 to run cinema hall, other shops, contrary to the condition of giving him at shopping mall / acting against the object and intention of constructing shopping mall.

10.2 That, any other relief which this Hon'ble Court deems fit and proper be awarded in favour of the petitioner.”

3. During the course of hearing, in view of the admitted facts, this Court put some questions with regard to course and conduct of the Petitioner, particularly, when he proclaims himself as the Bureau Chief of a Local Newspaper and as to why the 'news' of running the Shopping Mall with 'Multiplex Theatre' and such other shops, took nearly 'nine years' to reach the Petitioner, to have him made approach this Court now. No explanation is forthcoming, but for stating that the Petitioner was doing some other job earlier.
4. After detailed hearing, this Court finds that the Petitioner has woke up from a deep slumber, on a fine morning and has rushed this Court as a matter of 'revelation', seeking for a direction to the Respondents 1 to 3 to cause an enquiry. Virtually, the laudable object behind entertaining the public interest matters by the writ Court is paid scant regards and it has been taken in a casual manner, which cannot but be deprecated in the strongest possible words.
5. We do not find any ground to interfere in the matter. If there is any violation of the terms of the lease, it is for the competent authority to deal with it, in accordance with law. The writ petition fails and it is dismissed accordingly. We reluctantly refrain from ordering enhanced cost, but for making it clear that security deposit of Rs.5,000/- will stand forfeited and be made available to the Legal Aid Committee.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge