

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1325 of 2020**

1. Gram Panchayat Godhi Block-Aarang, District-Raipur Chhattisgarh, Through - The Secretary, Gram Panchayat Godhi, Block- Aarang, District-Raipur Chhattisgarh.
2. Gopal Dhiwar S/o Shri Kamal Dhiwar Aged About 48 Years Sarpanch, Gram Panchayat Godi, Block- Aarang, District- Raipur Chhattisgarh. R/o Village - Godhi, Block- Aarang, District- Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home (Jail) Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh
2. The Director General Prisons And Correctional Services Chhattisgarh, Head Quarter-Prisons And Correctional Services Chhattisgarh, Raipur Chhattisgarh.
3. The Deputy Inspector General Prisons And Correctional Services Chhattisgarh, Head Quarter- Prisons And Correctional Services Chhattisgarh, Raipur Chhattisgarh.
4. The Collector Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. The Sub Divisional Officer Aangar, District- Raipur Chhattisgarh., District : Raipur, Chhattisgarh
6. The Nayab Tahsildar, Mandir Hasoud, Tahsil- Aarang, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rishi Rahul Soni, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/07/2020**

1. The grievance of the petitioners in the present writ petition seems to be the action on the part of the respondents/State in marking village Godhi, Block Aarang, District Raipur Chhattisgarh for construction of a new jail i.e. an additional central jail in an area measuring 85 acres of land.
2. The primary grievance of the petitioners seems to be that the said land is the only grass land available in the Gram Panchayat and if that is taken over for the construction of the jail, it would be left with no grass land.

3. The second grievance of the petitioners is that the said land as on date has more than 5000 trees standing on that land. For the construction of the said jail, the entire 5000 trees would have to be cut which would cause huge ecological imbalance and environmental problems also.
4. The learned State counsel at this juncture submits that from the perusal of the pleading it appears that there is no resolution as such of the Gram Panchayat authorizing the secretary of the president to file the present writ petition and, therefore the writ petition is not maintainable.
5. The second submission of the State Counsel raised was that if at all, if the petitioners are aggrieved of the decision of the State Government, let the petitioners approach the State Government as it is always within the prerogative and domain of the State Government as it is a policy matter in deciding where an additional jail in District Raipur has to be constructed.
6. Given the said submissions made by the State Counsel, this Court is of the opinion that the present writ petition at this juncture can be disposed of permitting the petitioners to approach to the Respondent No. 1. Subject to the petitioner or the person authorized by the Gram Panchayat approaching the Respondent No.1, who is in turn expected to decide the grievance of the petitioners in accordance with law considering all the contentions/grievances that the petitioners have raised at the earliest.
7. With the aforesaid directions/observations, the writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge