

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5070 of 2020**

1. Pawan Kumar Chouhan S/o Shri Chinta Ram Chouhan Aged About 45 Years Executive President Of Revenue Patwari Union Chhattisgarh, Resident Of Dimrapur Raigarh, P.S. City Kotwali Tahsil And District - Raigarh (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary Revenue And Disaster Management Department, Mahanadi Bhawan Mantralay, Atal Nagar, Nava Raipur, District - Raipur (Chhattisgarh)
2. The Director (Land Records) Indrawati Bhawan, First Floor, Block No. 2, Atal Nagar Nava Raipur, District- Raipur (Chhattisgarh)
3. The Collector Balod, District- Balod (Chhattisgarh)
4. The Collector Baloda Bazar, District- Baloda Bazar- Bhatapara (Chhattisgarh)
5. The Collector Balrampur, District- Balrampur-Ramanujganj (Chhattisgarh)
6. The Collector Bastar (Jagdalpur), District- Bastar (Jagdalpur) (Chhattisgarh)
7. The Collector Bemetara, District- Bemetara (Chhattisgarh)
8. The Collector Beejapur, District- Beejapur (Chhattisgarh)
9. The Collector Bilaspur, District- Bilaspur (Chhattisgarh)
10. The Collector Dantewada, District- Dantewada (Chhattisgarh),
11. The Collector Dhamtari, District - Dhamtari (Chhattisgarh)
12. The Collector Durg, District- Durg (Chhattisgarh)
13. The Collector Gariyaband, District- Gariyaband (Chhattisgarh)
14. The Collector Gaurela-Pendra-Marwahi, District- Gaurela-Pendra-Marwahi (Chhattisgarh)
15. The Collector Janjgir-Champa, District- Janjgir-Champa (Chhattisgarh)
16. The Collector Jashpur, District- Jashpur (Chhattisgarh)
17. The Collector Kabirdham-Kawardha, District- Kabirdham-Kawardha (Chhattisgarh)
18. The Collector Kanker, District- Kanker (Chhattisgarh)
19. The Collector Kondagaon, District- Kondagaon (Chhattisgarh)
20. The Collector Korba, District- Korba (Chhattisgarh)
21. The Collector Korea (Baikunthpur), District - Korea (Chhattisgarh)
22. The Collector Mahasamund, District- Mahasamund (Chhattisgarh)

23. The Collector Mungeli, District- Mungeli (Chhattisgarh)
24. The Collector Narayanpur, District- Narayanpur (Chhattisgarh),
25. The Collector Raigarh, District- Raigarh (Chhattisgarh)
26. The Collector Raipur, District- Raipur (Chhattisgarh)
27. The Collector Rajnandgaon, District- Rajnandgaon (Chhattisgarh)
28. The Collector Sukma, District- Sukma (Chhattisgarh)
29. The Collector Surajpur, District- Surajpur (Chhattisgarh)
30. The Collector Surguja (Ambikapur), District- Surguja (Chhattisgarh)

---- Respondents

For Petitioner	: Shri Santosh Kumar Pandey, Advocate.
For State	: Shri Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17.12.2020

1. The present writ petition has been filed with the following reliefs:-

10.1 The Hon'ble Court may kindly be pleased to direct the respondent authorities to consider and decide the representation dated 28.01.2019 (Annexure P-2) and (Annexure P-4) within one month as per (Annexure P-2)

10.2 That, the Hon'ble Court may kindly be pleased to grant any other relief, as if may deem fit and appropriate.

2. The present writ petition has been filed by one Shri Pawan Kumar Chouhan in the capacity of an Executive President of Revenue Patwari Union Chhattisgarh.
3. The plain perusal of the relief clause would reveal that the only relief that he seeks, is, asking for the respondents to decide a representation which he has made on behalf of the association /Union to which he belongs.
4. This Court at the outset is of the opinion that the writ petition for the given relief itself would not be maintainable for the reason that it is settled position of law that a writ can be invoked only in the event of

there being an individual infringement of a fundamental right or a right guaranteed by the employer under the service law. The non consideration of a representation that too which has been preferred by an association to the State Government can never be brought within the ambit of an infringement of any of the rights guaranteed under Constitution, much less for invoking the writ jurisdiction of this Court under the powers conferred upon this Court under Article 226/227 of the Constitution of India.

5. A Writ Petition can never be entertained for a prayer of asking or directing the Government to decide the charter of demands of the Association or a Trade Union. The forum for which is different than the writ remedy. Non deciding of a representation made by an Association or a Trade Union can never be brought within the ambit of an infringement of any persons fundamental rights or for that matter curtailment of any rights other wise guaranteed under any other law for which a Writ of Mandamus or any other Writ could be issued.
6. The present writ petition is being rejected only on the ground of the writ petition not being maintainable for the aforesaid reasons. It is made clear that this Court has not entered into the merits of the grievance of the individuals whose rights have been adversely affected for which the individual would always be open to approach the Court in the individual capacity.
7. The writ petition accordingly stands disposed of as not maintainable.

Sd/-
(P. Sam Koshy)
Judge