

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2232 of 2020**

Thakur Ram Sahu S/o Shri Biselal Sahu Aged About 29 Years R/o
Village Kapalphodi, Tahsil- Magarload, District- Dhamtari, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. The Collector District- Dhamtari, Chhattisgarh
3. The Superintendent Of Police District- Dhamtari, Chhattisgarh
4. Executive Engineer Water Resource Division Dhamtari (Code No. 90) District- Dhamtari, Chhattisgarh
5. The Sub Divisional Magistrate Magarload, District- Dhamtari, Chhattisgarh
6. The Station House Officer Police Station Magarload, District Dhamtari, Chhattisgarh
7. Tikam Chand Sahu R/o Village Seldeep, Tahsil Kurud District Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Prateek Sharma, Advocate
For State	:	Mr. Mateen Siddiqui, Deputy A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****29/09/2020**

1. The present writ petition has been filed seeking for following relief:

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondents to immediately stop transportation of heavy vehicles over Kapalphodi Pier and also Khatti Anicut and the Canal Routes and further be pleased to direct the respondent State to take action against the responsible persons, officers and also direct the respondents to make the damage good of Kapalphodi Pier and also Khatti Anicut and the Canal Routes in the interest of justice.”

2. From the plain reading of the pleadings in the writ petition, it is reflected that the nature of relief sought for by the petitioner is not an individual grievance, which is under challenge rather it is a case where the writ petition itself has been filed seeking for the banning of movement of heavy vehicles over the Kapalphodi Pier and also Khatti Anicut and the Canal Routes.
3. The writ petition has been filed apprehending a serious disaster to take place in the event if these heavy vehicles are not restricted of its movement over the aforementioned Kapalphodi Pier and also Khatti Anicut and the Canal Routes. The reason for the same is that the Kapalphodi Pier has since become very weak and the government itself has issued instructions prohibiting movement of heavy vehicles over the said Kapalphodi Pier.
4. According to the petitioner, there are heavy vehicles still making movement from the said area, which gives rise to a great threat of life to the villagers including the petitioner, who is a villager residing close by to the said Kapalphodi Pier. According to the petitioner, in case if the Kapalphodi Pier gets damaged or destroyed on account of the movement of heavy trucks over it, the entire village consisting of about 2500 population and with more than 500 pet animals in the village would get destroyed and damaged and therefore, an appropriate early decision should also be taken in this regard by the respondents for which the petitioner has approached this Court.

5. On a query being put to the learned counsel for the petitioner, he concedes that the house of the petitioner situates approximately $\frac{1}{2}$ km from the Kapalphodi Pier.
6. Considering the aforesaid grievance of the petitioner, this Court is of the opinion that the nature of the relief sought for by the petitioner in the present writ petition is more in the nature of a PIL (Public Interest Litigation) than an individual grievance litigation. Since the grievance and the dispute raised by the petitioner in the present writ petition is not an individual cause of action, which is under challenge, nor is it one which can be confined only for the petitioner, at the same time the writ petition being filed on the threat of damage to life and property of the villagers at large and the petitioner in person being a resident of the said village, this Court is of the opinion that the more appropriate forum for the petitioner for ventilating his grievance would be by approaching the Division Bench by way of a Public Interest Litigation.
7. In view of the same, the writ petition in its present form would not be maintainable. Reserving the right of the petitioner to approach the Division Bench by way of a fresh PIL petition.
8. With the aforesaid observations, the present writ petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge