

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 41 of 2021**

- Gaurishankar Gupta S/o Shri Rameshwar Sao, Aged About 47 Years R/o Village Rouni, Tahsil - Sannaa, District - Jashpur Chhattisgarh.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Ministry At Mahanadi Bhawan, New Raipur Atal Nagar, Raipur Police Station - Rakhi, District - Raipur Chhattisgarh.
2. Collector, Jashpur District - Jashpur Chhattisgarh.
3. Sub Divisional Officer (Revenue), Bagicha, District - Jashpur Chhattisgarh.
4. Gram Panchayat Rauni, Through Its Secretary / Sarpanch, Gram Panchayat - Rauni, Tahsil - Sannaa, District - Jashpur Chhattisgarh.

---- Respondents

For Petitioner	:-	Mr. Jai Prakash Shukla, Advocate
For Respondent-State	:-	Mr. V.R. Tiwari, Addl.A.G.

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Hon'ble Shri Parth Prateem Sahu, J
Order On Board

By**Prashant Kumar Mishra, Ag.CJ****09/06/2021**

1. This public interest litigation has been preferred to challenge construction of toilet at a particular place.

2. The impugned order Annexure P-1, passed by the SDO (Revenue) Bagicha District Jashpur observes that as per spot inspection report the land is in occupation of the Gram Panchayat and villagers have no objection to the construction of subject toilet.
3. Jurisdiction under Article 226 of the Constitution of India cannot be invoked to decide location of toilet at a particular village. The issue does not effect the fundamental or statutory rights of the petitioner or any other villager.
4. The issue of convenience of the villagers and the people residing in the neighborhood has already been addressed by the SDO (Revenue). Judicial review under Article 226 is not available to scrutinize and sit over the satisfaction of the concerned authority while choosing location of the place where the public toilet is to be constructed.
5. Accordingly, there is no substance in the present PIL, it fails and is hereby dismissed.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

Parth Prateem Sahu)
Judge