

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 167 of 2021

- Jaswant Singh Thakur S/o Late Shri Ramji Singh Thakur
Aged About 58 Years R/o Ward No. 14, Sankar Nagar
Nawagarh, Tahsil - Nawagarh, District - Bemetara
(Chhattisgarh) ----- Appellant

Versus

1. State Of Chhattisgarh Through- Secretary Panchayat And
Rural Development, Mahanadi Bhavan, Atal Nagar, Nawa
Raipur, District - Raipur (Chhattisgarh)
2. Gram Panchayat Thengabhath Through Secretary, Tahsil-
Nawagarh, District - Bemetara (Chhattisgarh)
3. Luttam Sahu W/o Vijay Sahu @ Munna Aged About 40
Years Sarpanch Gram Panchayat Thengabhath, Village-
Thengabhath, Tahsil - Nawagarh, District - Bemetara
(Chhattisgarh)
4. Vijay Sahu @ Munna S/o Faguram Sahu Aged About 45
Years R/o Village - Thengabhath, Tahsil - Nawagarh, District
- Bemetara (Chhattisgarh)
5. Tahsildar Nawagarh, District - Bemetara (Chhattisgarh)
6. Collector Bemetara, District - Bemetara (Chhattisgarh),
7. Chhattisgarh Medical Service Corporation Limited Through
Managing Director, Chhattisgarh Housing Board
Commercial Complex(North West Corner), Sector 27, Atal
Nagar, Nava Raipur (Chhattisgarh) ----- Respondents

For Appellant	:-	Mr. Devesh G. Kela, Advocate
For Respondent-State	:-	Mr. Sudeep Agrawal, Dy.A.G.
For Respondent No.7	:-	Mr. Animesh Tiwari, Advocate

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

By

Prashant Kumar Mishra, Ag.CJ

24/06/2021

1. Heard.
2. In the writ petition before learned Single Judge, petitioner was raising grievance that Sub-Health Centre has been constructed just opposite to his house which would eventually infect the petitioner and his family members. In this writ appeal, it is argued that the subject land is a public road/ pathway, therefore, construction should have been made at another place which was previously earmarked for construction of Sub-Health Centre.
3. While dismissing the writ petition, learned Single Judge has rightly observed that the petitioner not being the owner of the subject property or interested in the property in any other manner, he has no locus inasmuch as, he has failed to make out a case of infringement of any of his fundamental or statutory rights. While dismissing the petition learned Single Judge has also reserved liberty to avail the remedy under the common law.
4. In our considered view, no exception can be carved out for interference with the order passed by the learned Single Judge. If the petitioner is not the owner of the subject

property where Sub-Health Centre is to be constructed, his objection to such construction is contrary to the public interest rather than serving the public interest. Appellant's apprehension that construction of Sub-Health Centre opposite to his house would jeopardize the health and safety of his family members does not hold ground as there is no foundation for such apprehension. If the appellant's contention is accepted then all other Health Centers have to be constructed in a secluded place, miles away from the villages.

5. In view of the above, no case for interference is made out. Accordingly, the writ appeal deserves to be and is hereby dismissed.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Parth Prateem Sahu)
Judge

Ayushi