

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 75 of 2018

- Dinkar Rao Waretwar, S/o Ganpat Rao Waretwar, Aged About 62 Years
R/o C-1, Street No. 8, Zone- 3, New Adarsh Nagar, Durg, District Durg,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary , Department Of Forest ,
Mahanadi Bhawan, New Raipur, Police Station Rakhi, District Raipur,
Chhattisgarh
2. Principal Chief Conservator Forest Aranya Bhawan, Police Station Rakhi,
New Raipur, District Raipur, Chhattisgarh
3. Chief Conservator Forest Circle- Raipur, Medical College Road, Raipur,
Police Station Ganj, District Raipur, Chhattisgarh
4. Divisional Forest Officer Dhamtari Police Station Dhamtari, District
Dhamtari, Chhattisgarh
5. Sub- Divisional Forest Officer Nagri, Police Station Nagri, District Raipur,
Chhattisgarh
6. Forest Range Officer Nagri, Police Station Nagri, District Dhamtari,
Chhattisgarh
7. Forest Range Officer, In- Charge, Kastagar- Nagri, District Dhamtari,
Chhattisgarh
8. The Collector Dhamtari, Police Station Dhamtari, District Dhamtari,
Chhattisgarh
9. Superintendent Of Police Dhamtari, District Dhamtari, Chhattisgarh
10. The Police Station In Charge Nagri, Police Station Nagri, District
Dhamtari, Chhattisgarh
11. P P Patel Forest Range Officer- Nagri, District Dhamtari, Chhattisgarh,
Presently Posted As Sub- Divisional Forest Officer- Sahaspur Lohara,
District Kabirdham, Chhattisgarh
12. Raghunandan Lal Sinha Forester - Forest Range, Nagri, District Dhamtari,
Chhattisgarh
13. Suraj Lal Dhruv President Joint- Forest Management Society / Forest
Development Authority - Tumbahara- Forest Range (Territorial) Nagri,
District Dhamtari, Chhattisgarh
14. N K Pandey (I F S) Forest Divisional Officer, Forest Division Dhamtari,
District Dhamtari, Chhattisgarh, Presently Posted As Director Horticulture
Chhattisgarh, Raipur, District Raipur, Chhattisgarh
15. P V Narsinga Rao (I F S) Chief Forest Conservator Forest Circle Raipur,
District Raipur, Chhattisgarh, Presently Posted As Controller, Food And
Drugs Administration Chhattisgarh, Raipur, District Raipur, Chhattisgarh
16. R K Tamta (I F S) Principal Chief Conservator Of Forest Chhattisgarh
Government , Raipur, District Raipur, Chhattisgarh, Presently Posted As
Member Of Real Estate Regulatory Authority Chhattisgarh, Raipur, District
Raipur, Chhattisgarh

17. Dharmsheel Ganveer, Ex - Sub Divisional Officer / Deputy Forest Officer, Sub Division Sihava Nagari, Division Dhamtari, District Dhamtari Chhattisgarh And Present Posted As Divisional Forest Officer, Circle Durg, Division Durg Chhattisgarh
18. Arun Pandey , Ex - Chief Conservator Of Forest, Circle Raipur, District Raipur Chhattisgarh At Present Posted As General Manager, Laghu Vanopaj Sangh, Atal Nagar, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	: Shri Jitendra Gupta, Advocate
For State	: Shri Sudeep Agrawal, Dy AG
For Respondent-11	: Shri K Rohan, Advocate
For Respondent-17	: Shri UNS Deo, Advocate

Hon'ble Shri Prashant Kumar Mishra, Actg CJ &
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board by Prashant Kumar Mishra, Actg CJ.

21.06.2021

1) This Public Interest Litigation is directed against the inaction of respondent authorities, mainly the Officers of the Forest Department, who are not taking action against the corrupt Officers of the Department, who have misappropriated huge amount, against whom an enquiry was constituted and they were found *prima facie* guilty of committing misappropriation. The following reliefs were claimed in para 10.1 to 10.3 of the Writ Petition;

“10.1 The Hon'ble Court may kindly be pleased to issue appropriate writ directing the respondent state authority to take penal actions against the wrongdoers (respondent No.11 to 16), who are indulge in misappropriation of money with the State Forest Department.

10.2 The Hon'ble Court may kindly be pleased to direct the respondents for issuance of directions for registration of FIR under Section 420, 147, 148, 149, 467, 471, 34 and 120B and 120B of the

Indian Penal Code, also initiating proceedings for offences punishable under the provisions of the Prevention of Corruption Act as well.

10.3 The Hon'ble Court may kindly be pleased to direct the respondent no.1, 9 and 10 taking actions against those persons who are involved in the misappropriation of money of forest department and taking criminal action against those persons.

10.4 Pass such other and further orders as may be deemed fit and proper in the facts and circumstance of the present case in the interest of justice.”

2) In addition to filing of return, the Director General of Police, State of Chhattisgarh has filed an affidavit, in compliance of our order dated 08.06.2021, stating that FIR No.28 of 2019 dated 07.03.2019 was registered at Police Station Nagri, District Dhamtari for offences under Sections 409, 420, 120B /34 and 201 of the IPC and upon completion of the investigation, charge-sheet has already been filed before the Judicial Magistrate First Class, Nagri, District Dhamtari on 28.08.2020.

3) In view of the above, all the reliefs claimed in the Writ Petition have been rendered infructuous upon registration of FIR and completion of investigation.

4) The Writ Petition is therefore, dismissed as having become infructuous.

Sd/-
Actg Chief Justice
(Prashant Kumar Mishra)

Sd/-
Judge
(Parth Prateem Sahu)