

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(PIL) No. 132 of 2021

Ashish Mishra, S/o. Late S.N. Mishra, Aged About 49 Years, R/o. Shankar Nagar Chuchiapara Bilaspur, District – Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through the Secretary, Law Affairs And Legislative Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Principal Secretary, Law Affairs And Legislative Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
3. Pradeep Agrawal, S/o. Satyanarayan Agrawal, Aged About 51 Years, R/o. Flat No.304, Mahima Vihar, Bilaspur, Tahsil And District Bilaspur (C.G.), At Present R/o. Mahesh Colony Gudhiyari, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner : Mr. N.K. Chatterjee, Advocate.

For Respondents : Mr. Chandresh Shrivastava, Deputy Advocate General

Hon'ble the Chief Justice Shri Arup Kumar Goswami
& Hon'ble Justice Shri Goutam Bhaduri

Order On Board

20/10/2021

Per Arup Kumar Goswami, C.J.

Heard Mr. N.K.Chatterjee, learned counsel for the petitioner and Mr. Chandresh Shrivastava, learned State counsel appearing for the respondents No.1 & 2.

1. By this public interest litigation, the petitioner essentially prays for a direction to the State authorities, namely, respondent No.1 & 2 to

enhance the period of civil prison from 3 months as laid down in Section 58 of the Code of Civil Procedure, 1908, to 24 months.

2. The petitioner was the plaintiff in a civil suit instituted by him bearing Civil Suit No.55-B/2015 in which the respondent No.3 herein was a defendant.
3. The learned Sixth Additional District Judge, Bilaspur (C.G.) passed a judgment and decree in favour of the petitioner and against the respondent No.3 on 09.07.2019. The petitioner had filed an execution application registered as Ex.C.S.B.19/19. However, as it transpired that the respondent No.3 had no movable and immovable property, the petitioner had filed an application for sending the respondent No.3 to civil prison and accordingly, the said application was allowed.
4. The aforesaid factual matrix would go to show that the petitioner is himself interested in the subject matter in dispute and therefore, in our considered opinion, the present application, styled as public interest litigation, is not maintainable at his instance.
5. Taking that view, we are not inclined to entertain this public interest litigation. However, we reserve liberty to the petitioner to avail remedy in accordance with law, if so advised.

Sd/-
(Arup Kumar Goswami)
 Chief Justice

Sd/-
(Goutam Bhaduri)
 Judge