

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPCR No. 716 of 2021**

- Class – III Govt. Employee Association State of C.G. Through Its President Shri Kamal Khan aged about 60 Years S/o Barkt Tulla R/o District Branch Office, Behind Durga Pandal, Karmchari Bhawan, Police Station Marwahi District - Gaurela - Pendra - Marwahi Chhattisgarh.

-----Petitioner**VERSUS**

1. State of Chhattisgarh, Through Its Secretary, Department of Home and Police Affairs, Secretariat, Mahanadi Bhawan, New Raipur, Police Station and Post Rakhi, District Raipur, Chhattisgarh
2. Director General of Police, Police Head Quarter, Mahanadi Bhawan, New Raipur, Police Station and Post Rakhi, District Raipur, Chhattisgarh.
3. Inspector General of Police Tahsil Bilaspur District - Bilaspur Chhattisgarh
4. Superintendent of Police District- Gaurela - Pendra - Marwahi Chhattisgarh
5. Police Station Marwahi - Through Officer Incharge Police Station Marwahi District - Gaurela - Pendra - Marwahi Chhattisgarh

-----Respondents

For Petitioner : Mr. Badruddin Khan, Advocate
 For Respondent-State : Mr. Gurudev I Sharan, Govt. Adv.

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****15/11/2021**

1. Learned counsel for petitioner submits that petitioner who is a Class-III Government Employees Association has filed complaint before the Inspector General of Police, Bilaspur Division Bilaspur, Chhattisgarh on 01.05.2018 making complaint of illegal transportation of coal at Marwahi area. Based on the complaint, police officials of concerned police station have also intercepted one pick-up vehicle loaded with coal but thereafter no action

whatsoever has been taken, even the police officials have not registered the case and not completed the enquiry, hence, a direction be issued to the Respondents for completing the investigation and action to be taken against the culprits.

2. Mr. Gurudev I Sharan, learned State counsel opposes the submissions made by learned counsel for petitioner and would submit that the petitioner is not in any manner aggrieved person. There is no pleading with regard to as to how petitioner, being an Association of Class-III Government Employees, is affected with the transportation of alleged illegal coal. There is no specific detail mentioned as to from which place the alleged illegal coal is being illegally transported. In addition, of above, petitioner is having an alternate efficacious remedy available to him to approach jurisdictional Magistrate by way of filing appropriate proceeding under Code of Criminal Procedure (CrPC), if the petitioner is aggrieved in any manner.
3. I have heard learned counsel for the parties.
4. Taking into consideration, facts and circumstances of the case, pleadings, it is apparent that the petitioner is an Association of Class-III Government Employees. In the pleadings also, there is no specific mention that from where the alleged illegal coal is being transported but the pleading that there was illegal transportation of coal in Marwahi area. If for any reason, no action has been taken on the complaint filed by petitioner, then the petitioner can avail alternate remedy available to it under CrPC. This petition is not filed as a Public Interest Litigation.
5. For the foregoing reasons, I am not inclined to entertain this petition. Petition being devoid of any merit is liable to be and is

hereby dismissed accordingly. However, if the petitioner is aggrieved by the action of Respondents then he can very well approach appropriate forum by filing appropriate proceeding available under law.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan