

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPIL No. 165 of 2021**

1. Dinesh Tamrakar S/o Late Ganesh Ram Tamrakar, Aged About 53 Years R/o Village And Post Ghana Tahsil Ambagarh Chowki District Rajnandgaon Chhattisgarh,
2. Shobha Shankar Tripathi, S/o Ramfal Tripathi, Aged About 49 Years R/o Village And Post Ambagarh Chowki, District Rajnandgaon (Chhattisgarh)
3. Chandresh Kumar Baghel S/o Moti Lal Baghel Aged About 45 Years R/o Village Khursipar Post Asargaon Tahsil Chhuriya District Rajnandgaon Chhattisgarh
4. Devi Lal Patel S/o Hira Singh Patel, Aged About 65 Years R/o Village And Post Ambagarh Chowki, District Rajnandgaon Chhattisgarh
5. Madan Meshram S/o Shankar Meshram, Aged About 52 Years R/o Village And Post Kerchatola, Tahsil Ambagarh Chowki District Rajnandgaon Chhattisgarh,

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh,
2. Collector Rajnandgaon, District Rajnandgaon Chhattisgarh,
3. Sub Divisional Officer (R) Mohla District Rajnandgaon Chhattisgarh.

**---- Respondents**

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For petitioners - Shri Uttam Pandey and Shri Ram Kumar Tiwari,  
Advocates.

For State – Shri Alok Bakshi, Addl. A.G.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Hon'ble Shri Justice N.K. Chandravanshi**

**Order on Board**

**Per Goutam Bhaduri, J.**

**21/12/2021**

Heard.

1. The petitioners have filed this petition by way of public interest

litigation that they are resident of village and post Ambagarh Chowki and in a recent decision by the State Mohla-Manpur has been notified to be the district head quarter. The submission is made that Ambagarh Chowki should have been declared as a district head quarter instead of Mohla-Manpur for the reason that Ambagarh Chowki is more densely populated and resources are more easily available therein. It is further contended that ignoring the said availability of the resource and the population Mohla-Manpur which is at a distance of around of 40 kms from Ambagarh Chowki, Mohla-Manpur has been declared as a district head quarter, therefore the notification of the State has been made without considering the necessary conditions and the notification which is going to be operated from 1/01/2022 should be stayed.

2. Per contra, Shri Alok Bakshi, Addl. A.G. would submit that it is prerogative of the State to declare a particular district to be the district head quarter as different parameters are required for it. He would submit that unless and until it is shown that there is a gross negligence in such declaration, the petitioner cannot question the same.

3. We have heard learned counsel for the parties.

4. Perused the map which is placed on record. Perusal of the map would show that Ambagarh Chowki is at northern direction while traveling to South first Mohla comes then Manpur comes and at the end towards the eastern side Aundi comes which is at the far extreme east, thereafter other district begins. Prima facie perusal of the map of Mohla and Manpur would show that it comes in between Aundi and Ambagarh Chowki. Therefore the claim of the petitioner if are acceded to, the population and the resident of the Aundi will have to travel a longer distance to Ambagarh

Chowki instead of Mohla-Manpur. As per map the Mohla-Manpur is centrally situated in the proposed district head quarters. Even otherwise the decision which has been taken by the State would be purely an administrative decision and until gross malafide is pointed out the High Court would refrain its power to intervene to disturb such notification. The different parameters might have been considered by the State to declare a particular area as district head quarter. There is nothing placed before us to show that there is a gross non application of mind foregoing any necessary criteria to declare Mohla-Manpur as district head quarter. It is the prerogative of the State to declare a particular place as district head quarter. The High Court would not interfere in such administrative act unless gross illegality or irregularity is pointed out. The spirit of the constitution of the separation of powers cannot be defeated merely on self declaration of petitioners. Therefore we are not inclined to entertain this petition at the threshold.

5. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)  
Judge

Sd/-

(N.K. Chadravanshi)  
Judge