
(2018) 04 CHH CK 0135
In the Chhattisgarh High Court
Case No : WP(PIL) No. 35 of 2018

Roshan

APPELLANT

Vs

State Of C.G

RESPONDENT

Date of Decision : 12-04-2018

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2018) 04 CHH CK 0135

Hon'ble Judges : THOTTATHIL B. RADHAKRISHNAN, J;SHARAD KUMAR GUPTA, J

Bench : Division Bench

Advocate : V.K. Pandey, Y.S. Thakur

Final Decision : Dismissed

Judgement

1. Arguments heard.

2. Petitioner has preferred this writ petition under Article 226 of the Constitution of India seeking the relief that respondents No. 5 and 6 be prevented

from constructing a bus stand over the land bearing Khasra No. 197 situated at village Tilsivan Distt. Sarguja.

3. In brief, case of the petitioner is that in the aforesaid land some people are residing by constructing houses and huts. In revenue record, it has been

mentioned that aforesaid land can be used for agricultural, residential, social, cultural and administrative purposes. Respondents No. 5 and 6 are

constructing bus stand over the aforesaid land which does not fall in any of the category for which the aforesaid land can be used.

4. There is no dispute that aforesaid land is Government land, belonging to the State of Chhattisgarh. As per the letters written by respondent No. 4

vide Annexure P-1 and P-2, the aforesaid land can be used for agricultural, residential, social, cultural and administrative purposes. It is the primary

duty of the local body to provide the convenient, facilitated and spacious bus stand and such other public premises. Now a days, it is a common

demand of the society. Providing such premises is a constitutional, statutory and social duty of the local body. Thus, it could not be said that

construction of a bus stand is not a social cause. As per the Annexure P-2, the respondent No. 5 is competent to construct bus stand after fulfilling

certain conditions imposed by the Government on them. Moreover the alleged aggrieved persons have not filed this writ petition, petitioner has no local

standi to file this writ petition.

5. Looking to the above-mentioned facts, circumstances of the case and material placed on record, this Court finds that there is no material on record

which calls for interference in exercise extraordinary jurisdiction vested to this Court under Article 226 of the Constitution of India.

6. Thus, the writ petition being devoid of merit, deserves to be and is hereby dismissed. Looking to the facts and circumstances of this case, if the

petitioner has not deposited the security amount, he is directed to deposit the same within a period of 15 days from today.

7. No order as to costs.