

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**(DIVISION BENCH)**

CORAM : Hon'ble Shri S.R. Nayak, CJ
 Hon'ble Shri D.R. Deshmukh, J.

WRIT PETITION No. 940 OF 2006**Petitioner**

Gurnam Saluja, Aged about 43 years,
 son of Shri Jagdish Saluja, Resident of
 Darripara, Near State Bank kawardha,
 Tahsil and District Kabirdhan
 (Kawardha) Chhattisgarh

Versus

RESPONDENTS

1. State of Chhattisgarh
 Through : The Secretary Department of
 Revenue, D.K.S. Bhawan, Raipur (C.G.)
2. The Secretary, Department of Urban
 Administration, D.K.s. Bhawan, Raipur
 (C.G.)
3. The Municipal Council, Kawardha
 Through : The Chief Municipal Officer,
 Municipal Council, Kawardha, District
 Kabirdham (C.G.)
4. The Collector, District Kawardha
 (Kabirdham) (C.G.)
5. The Tahsildar, Kawardha, District
 Kabirdham (C.G.)
6. Ramesh Kumar Chandrawanshi; Son of
 Shri Late Chandrawanshi, resident
 of Sarafa Line, Rajendra Bhothra
 Complex, Kawardha, District Kabirdham
 (C.G.)

Present:

Mr. P.P. Sahu, learned counsel for the petitioner.

Mr. Prashant Mishra, learned Addl. A.G. with Mr. Sanjay S.

Agrawal, learned G.A. for the State.

ORAL ORDER

(Passed on 28th of February, 2006)



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The following Order of the Court was passed by
S.R. Nayak, CJ:

This writ petition is filed as a Public Interest Litigation complaining that the land comprised in Patwari Halka No.34/1, Nazool Sheet No.17, Plot No.498 of Khasra No.576 is a Government land and the 6th respondent has encroached upon the said land and he is putting up construction after obtaining permission from the Municipal Council, Kawardha. So alleging, the petitioner has sought intervention of the Court.

(2) The petitioner has produced a representation made by one Juthel singh, marked as Annexure-P/4 at page 32 of material papers dated 20.12.2005, submitted to the Chief Municipal Officer, Municipal Council, Kawardha. We have perused that representation. It shows that the said Juthel Singh had applied for grant of subject land on permanent lease to the District Collector, but, the District Collector did not pass any order on the said application. On his own showing, the said Juthel Singh is vitally interested in the subject land. Annexure-P/4 is the representation made by said Juthel Singh. It is not even joint representation of the petitioner and the said Juthel Singh. At the bottom of the said representation, according to the counsel for the petitioner, the petitioner had also put his signature. In the circumstance, we think that the present writ petition could not be considered as a genuine Public Interest Litigation, if not for any reason, but, for the reason that the petitioner has joined hands with the said Juthel Singh who is vitally interested in the subject land. It might be that the petitioner is set-up by said Juthel Singh to fight litigation on his behalf in the garb of Public Interest Litigation. It is quite often said and reiterated that the person who approaches this Court

under Article 226 of the Constitution as *pro bono* public character should come with clean hands and charged with nothing but well-being of the society and emotion to subserve the public interests without seeking any relief to himself. In that view of the matter, we are not inclined to entertain this writ petition and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Subin