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### IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition (PIL) No. 64 of 2007

### PETITIONER:

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Chaitram Naik,
S/o Jagannath Naik,
Aged about 70 years,
Occupation: Retired Head
Master and Coordinator,
Medical College Bachao
Sangharsh Samiti,
Village: Loharsingh,
District: Raigarh,
R/o Village: Loharsingh,
District: Raigarh, Chhattisgarh.

### - <u>Versus</u> -

### RESPONDENTS:

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- State of Chhattisgarh,
   Through the Secretary,
   Department of Revenue,
   Mantralaya, D.K.S. Bhawan,
   Raipur, Chhattisgarh.
- Secretary,
   Department of Health,
   State of Chhattisgarh,
   Mantralaya, D.K.S. Bhawan,
   Raipur, Chhattisgarh.
- 3. Director,
  Public Health & Family Welfare,
  State of Chhattisgarh,
  Raipur, Chhattisgarh.
- \_4. Collector, Raigarh,
  District: Raigarh, Chhattisgarh.
- 5. Executive Engineer,
   Public Works Department,
   Raigarh, Chhattisgarh.

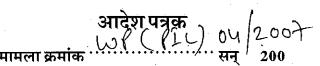




6. Director,
Town and Country Planning,
Raigarh, Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

# उच्च न्यायालय, छत्तीसगढ़, बिलासपुर





विरुद्ध

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आदेश का	-	
दिनांक आदेश	आदे	श हस्ताक्षर सहित
क्रमांक सहित	: 	i .

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

#### **Division Bench:**

Hon'ble Mr. V.K. Shrivastava & Hon'ble Mr. Dhirendra Mishra, JJ

#### 31-1-2007

Shri V.C. Ottalwar and Shri Rajeev Shrivastava, learned counsel for the petitioner.

Shri Prashant Mishra, learned Additional Advocate General for the State/respondents.

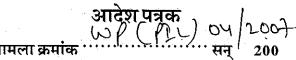
Heard.

Earlier vide order dated 9-7-2002 Collector, Raigarh marked 10.117 hectares of land situated at village Loharsing for construction of Medical College and the said land was transferred to the Department of Health. Some amount in construction of boundary wall has also been spent by the Government. Thereafter Collector, Raigarh considering the distance and non-satisfaction of the citizens of Raigarh reconsidered the matter and vide order dated 17-11-2005 (Annexure-P/7) marked 16.186 hectares of land situated at Bendrachuwa, for establishment of Medical College. Feeling aggrieved this Public Interest Litigation (for brevity "PIL").

From petitioner's own statement land situated at Bendrachuwa is 3 KMs from South Eastern Boundary of Town of Raigarh whereas Loharsing is situated at 8 KMs away from Southern Boundary of Town of Raigarh. Land made available for establishment of Medical College at Loharsing was 10.117 hectares whereas in Bendrachuwa it is 16.186 hectares i.e. 1½ time of the land earlier allotted for that purpose.

13 persons all of a sudden constituted one committee named Medical College Bachao Sangharsh Samiti, village Loharsing and

# उच्च न्यायालय, छत्तीसगढ़, बिलासपुर





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आदेश का कार्यालयीन मामलों में डिप्टी रजिस्टार दिनांक आदेश आदेश हस्ताक्षर सहित के अन्तिम आदेश क्रमांक सहित authorised the present petitioner to file PIL. As a result of that, the petitioner has filed the instant PIL. It is for the Government to select where Government wants to establish Medical Colleges and viltually it is a matter of policy and until there is any infringement of right of any citizen or public or there appears any mala fide on the part of the Government, no interference in such matters is called for by the Court. Here in the instant case if public interest is viewed that is apparently in establishing the Medical College nearby the main city of Raigarh and that is the place Bendrachuwa instead Loharsing. Even land for establishment of Medical College is sufficiently made available by the Collector at Bendrachuwa in place of Loharsing. There is not an iota of

We are of the considered opinion that this is not virtually a petition within the ambit of PIL, even otherwise there appears nothing to interfere in the policy decision of the State Government for establishment of an institution that is in the interest of public.

material to consider that there is any infringement of fundamental right of

any citizen or the order suffers from any mala fide.

In the result, the petition being devoid of substances deserves to be dismissed summarily and is accordingly dismissed in limine.

Consequently, M.(W.).P.No.325 of 2007 stands disposed of.

Sd/-V.K.Shrivastava Judge Sd/-Dhirendra Mishra Judge

(पीछे देखिये)