

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,  
CHHATTISGARH

Writ Petition (PIL) No. 04 of 2007

PETITIONER:

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.

P.R. No. 670/07  
Presented by Shri V. S. Y. Laxmi (Son)  
22/11/07

- Versus -

RESPONDENTS:

RECEIVED-COPY  
22/11/07  
CLERK to A. G. BILASPUR

1. State of Chhattisgarh,  
Through the Secretary,  
Department of Revenue,  
Mantralaya, D.K.S. Bhawan,  
Raipur, Chhattisgarh.
2. 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.



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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

आदेश पत्रक

WP (PIL) 04/2007

70

मामला क्रमांक ..... सन् 200

विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><b><u>Division Bench :</u></b></p> <p><b><u>Hon'ble Mr. V.K. Shrivastava &amp;</u></b> <b><u>Hon'ble Mr.Dhirendra Mishra, JJ</u></b></p> <p><b><u>31-1-2007</u></b></p> <p>Shri V.C. Ottalwar and Shri Rajeev Shrivastava, learned counsel for the petitioner.</p> <p>Shri Prashant Mishra, learned Additional Advocate General for the State/respondents.</p> <p>Heard.</p> <p>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").</p> <p>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.</p> <p>13 persons all of a sudden constituted one committee named Medical College Bachao Sangharsh Samiti, village Loharsing and</p>	

(71)

आदेश पत्रक

WP (PIL) 04/2007

मामला क्रमांक ..... सन् 200

विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>authorised the present petitioner to file PIL. As a result of that, the petitioner has filed the instant PIL.</p> <p>It is for the Government to select where Government wants to establish Medical Colleges and virtually it is a matter of policy and until there is any infringement of right of any citizen or public or there appears any <i>mala fide</i> on the part of the Government, no interference in such matters is called for by the Court.</p> <p>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 material to consider that there is any infringement of fundamental right of any citizen or the order suffers from any <i>mala fide</i>.</p> <p>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.</p> <p>In the result, the petition being devoid of substances deserves to be dismissed summarily and is accordingly dismissed <i>in limine</i>.</p> <p>Consequently, M.(W.)P.No.325 of 2007 stands disposed of.</p>	
	Sd/- V.K.Shrivastava Judge	Sd/- Dhirendra Mishra Judge

(पीछे देखिये)

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