



2026:CGHC:17731-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPIL No. 20 of 2026**

Ajay Kumar Nishad S/o Late Indu Lal Nishad, Aged About 46 Years R/o-
Near Anganwadi Kendra No. 3, Nishadpara Raipur Mahadev Road, P.S. Dd
Nagar, District-Raipur (C.G.) 492001

... Petitioner**versus**

1 - The State Of Chhattisgarh Through Secretary, Urban Administration And
Development Department, Mantralaya, Nava Raipur Atal Nagar (C.G.)
District-Raipur 492001

2 - Regional Office, Chhattisgarh Environment Conservation Board New
Office Building Ring Road No. 02, Tatibank, Raipur District Raipur (C.G.)
492001

3 - State Of Chhattisgarh Through Collector, Raipur, District- Raipur (C.G.)
492001

4 - The Commissioner Municipal Corporation, Through Commissioner,
Mahatma Gandhi Sadan, Head Office Raipur (C.G.) District-Raipur 492001

---- Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Akhilesh Mishra, Advocate
For Respondents/State	:	Mr. Praveen Das, Addl. Advocate General
For Respondent No. 2/CECB	:	Mr. Animesh Tiwari, Advocate
For Respondent No.4	:	Mr. Pankaj Agrawal, Advocate



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, C.J.

20/04/2026

1. The present Writ Petition has been filed under Article 226 of the Constitution of India, by way of Public Interest Litigation, seeking urgent intervention of this Court for preventing the continuous discharge of untreated sewage water into Lemehai Talab situated at Raipura, Ward No. 79 (Madhavrao Sapre Ward), District Raipur (C.G.). It is the case of the petitioner that the said Talab, being a public water body used for religious, cultural and community purposes, is being severely polluted due to the direct inflow of untreated sewage from adjoining residential colonies through connected drainage channels, resulting in environmental degradation and posing a serious threat to public health. It is further submitted that despite repeated representations made by the petitioner before the Municipal Corporation, Raipur, as well as initiation of proceedings before the District Legal Services Authority/Lok Adalat, no effective remedial steps have been taken by the respondent authorities, compelling the petitioner to invoke the extraordinary writ jurisdiction of this Court.
2. The petitioner has filed the present writ petition (PIL) seeking for the following reliefs:

“10.1 That, this Hon'ble Court may kindly be pleased to allow the writ petition and issue an appropriate writ, order or direction directing the respondents to immediately stop the discharge of



untreated sewage water into Lemehai Talab situated at Raipura, Raipur (C.G.)

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondents to make alternative arrangements for diversion of drainage water.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondents to undertake cleaning, desilting and restoration of the said pond within a time-bound manner.

10.4 That, this Hon'ble Court may kindly be pleased to, grant any other relief(s) deemed fit and proper in the interest of justice and equity.”

3. The facts of the case as emerges from the pleadings of the petition are that, the petitioner has filed the present Public Interest Litigation highlighting the issue of continuous discharge of untreated sewage water into Lemehai Talab situated at Raipura, Ward No. 79 (Madhavrao Sapre Ward), District Raipur. It is pleaded that the said Talab is a public water body traditionally used by the local residents for religious, cultural and community purposes. However, several drainage lines from nearby residential colonies have been connected to a main drain, which is directly discharging untreated sewage into the pond, resulting in severe pollution, ecological imbalance and posing a threat to public health and hygiene. The petitioner has placed on record photographs depicting the inflow of polluted water into the Talab.

It is further pleaded that the petitioner had earlier approached



the competent authorities by submitting written complaints dated 23.07.2025 and 12.08.2025 to the Municipal Corporation, Raipur, but no effective action was taken. Thereafter, the petitioner also initiated proceedings before the District Legal Services Authority/Lok Adalat, District Court, Raipur in Case No. 1959/2025, wherein the Municipal Corporation, Raipur was arrayed as a non-applicant, yet the issue remained unresolved. It is also stated that an earlier writ petition filed by the petitioner was disposed of by this Court on 11.03.2026 granting liberty to file an appropriate Public Interest Litigation. Despite repeated efforts, the inaction on the part of the respondent authorities has continued, compelling the petitioner to file the present petition seeking appropriate directions for prevention of sewage discharge, diversion of drainage and restoration of the Talab.

4. Mr. Akhilesh Mishra, learned counsel for the petitioner would submit that the inaction on the part of the respondent authorities in preventing the discharge of untreated sewage water into Lemehai Talab is wholly arbitrary, illegal and violative of the fundamental rights guaranteed under Article 21 of the Constitution of India. It is contended that the right to a clean and healthy environment, which includes access to pollution-free water bodies, is an integral facet of Article 21, and the continued contamination of the said Talab due to direct inflow of sewage reflects gross negligence and failure on the part of the Municipal Corporation, Raipur in discharge of its statutory duties. It is further submitted that despite repeated representations made by the petitioner, the authorities have failed to take any concrete steps for diversion of the drainage or prevention of pollution.



Learned counsel would further submit that the issue raised in the present petition affects the larger public at large, as the Talab is used by the residents for religious, cultural and daily community activities. It is argued that the authorities are under a legal obligation to maintain and protect public water bodies from environmental degradation, and their continued inaction has resulted in serious ecological damage as well as health hazards to the local inhabitants. It is thus prayed that this Court, in exercise of its extraordinary jurisdiction, may be pleased to issue appropriate directions to the respondents to immediately stop the discharge of untreated sewage water, ensure proper diversion of drainage and undertake cleaning and restoration of the Talab within a stipulated time frame.

5. Mr. Praveen Das, learned Additional Advocate General appearing for the respondents/State would submit that the present petition does not warrant interference at this stage as the authorities are already seized of the issue and appropriate steps are being undertaken in accordance with law. It is contended that there is no wilful or deliberate inaction, and that matters relating to drainage management, sewage diversion and maintenance of the Talab fall primarily within the statutory functions of the concerned local body, i.e., the Municipal Corporation, Raipur, which is competent to take necessary technical and administrative measures. It is further submitted that the State authorities are actively coordinating with the local body and other concerned departments to address environmental concerns and to ensure compliance with applicable norms. Learned counsel would thus submit that the respondents are committed to taking appropriate



remedial measures within a reasonable timeframe, and therefore, the present petition, being premature, deserves to be disposed of with suitable directions, if deemed necessary.

6. Mr. Animesh Tiwari, learned counsel appearing for respondent No.2/Chhattisgarh Environment Conservation Board would submit that the Board is a statutory authority constituted for prevention and control of environmental pollution and is discharging its functions in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and other applicable environmental laws. It is contended that the Board has been monitoring water quality and regulatory compliance, and upon receiving information regarding discharge of untreated sewage into the Talab, appropriate steps in accordance with law, including inspection and issuance of necessary directions to the concerned local authority, are being/shall be undertaken. It is further submitted that the primary responsibility for installation, operation and maintenance of sewage treatment and drainage systems lies with the Municipal Corporation, Raipur, and the Board acts in a supervisory and regulatory capacity. Learned counsel would therefore submit that the Board shall take all necessary action as per statutory mandate, and appropriate directions, if any, may be issued to the concerned executing agency for effective compliance.
7. Mr. Pankaj Agrawal, learned counsel appearing for respondent No. 4, would submit that the present petition is misconceived and not maintainable in the facts of the case. He places reliance upon the judgment rendered by this Court in WPC No. 5672 of 2025 (Ajay



Kumar Nishad vs. State of Chhattisgarh & Ors.) decided on 06.11.2025, to contend that issues relating to the ponds in question, including Lemehai Talab, have already been the subject matter of judicial consideration. It is submitted that in the said case, this Court had directed the competent authorities to finalize the tender process concerning allotment and management of the ponds within a stipulated timeframe, and pursuant thereto, necessary administrative and statutory processes have already been set in motion. Learned counsel would further submit that the petitioner himself was declared L-1 in the tender process for fishing rights of the pond; however, he failed to deposit the requisite lease amount despite repeated communications issued to him by the authorities. It is thus contended that the petitioner, having failed to comply with the terms of the tender, cannot now be permitted to invoke the PIL jurisdiction by projecting a personal grievance under the guise of public interest. It is further submitted that the authorities are already undertaking necessary steps in compliance with the earlier judgment, including measures relating to maintenance and utilization of the water bodies, and therefore, no interference is warranted at this stage in exercise of writ jurisdiction.

8. We have heard learned counsel for the parties and considered their rival submissions made herein above and also gone through the entire records of the case with utmost circumspection.
9. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court is of the considered opinion that the present petition, though styled as a Public Interest Litigation,



in substance reflects a private and motivated grievance without disclosing any element of genuine public injury warranting interference under Article 226 of the Constitution of India. It is evident that the petitioner has not approached this Court with complete candour, inasmuch as he has failed to disclose material facts relating to the earlier proceedings as well as his own participation in the tender process concerning the subject pond.

10. From the record, it transpires that the petitioner had participated in the tender process for allotment of the pond for fishing purposes and was declared L-1, pursuant to which the pond was allotted to him. However, despite repeated communications, he failed to deposit the requisite lease amount in terms of the tender conditions. In such circumstances, the petitioner, having a direct and subsisting personal interest in the subject matter, cannot be permitted to invoke the extraordinary jurisdiction of this Court under the guise of a Public Interest Litigation. The present petition, therefore, appears to be an attempt to espouse a private cause under the colour of public interest, which is impermissible in law.
11. The Hon'ble Supreme Court has consistently cautioned against misuse of PIL jurisdiction in ***State of Uttarakhand vs. Balwant Singh Chauhan***, (2010) 3 SCC 402; ***Kalyaneshwari vs. Union of India***, (2011) 3 SCC 287; and ***Tehseen Poonawalla vs. Union of India***, (2018) 6 SCC 72, holding that frivolous and motivated petitions filed under the guise of public interest deserve to be discouraged with exemplary costs. Further, in ***Dattaraj Nathuji Thaware vs. State of***



Maharashtra, (2005) 1 SCC 590, it has been held that a litigant invoking PIL jurisdiction must approach the Court with clean hands, clean heart and clean objective, failing which such petitions are liable to be dismissed with costs.

12. In the present case, it is apparent that the petitioner has sought to misuse the process of this Court by filing a misconceived Public Interest Litigation, suppressing material facts and projecting his personal interest as a matter of public concern. Such conduct not only amounts to abuse of the process of law but also results in wastage of precious judicial time. Accordingly, the present writ petition (PIL), being devoid of bona fide public interest, deserves to be and is hereby **dismissed** with costs of Rs. 50,000/-. The said cost shall be deposited by the petitioner in the Registry of this Court within a period of one month from today, which shall thereafter be transmitted to the Government Home for Mentally Underdeveloped Children, Mana Camp, District Raipur. In the event of failure to deposit the said amount within the stipulated period, the same shall be recovered as arrears of land revenue by the Registrar General of this Court in accordance with law.
13. It is further directed that the security deposit amount of Rs. 15,000/- deposited on 23.03.2026 by the petitioner at the time of filing the present petition shall stand forfeited.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice



HEAD NOTE

Frivolous and motivated petitions filed under the guise of public interest, liable to be discouraged by imposition of exemplary costs. A litigant invoking PIL jurisdiction must approach the Court with clean hands and clean objective.