



2026:CGHC:17358-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPPIL No. 19 of 2026**

Heeraman Joshi S/o Late Parganiya Joshi Aged About 50 Years R/o
Village Mendraka, P.S. Kurud, District Dhamtari Chhattisgarh

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary Mines Department,
Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur
Chhattisgarh

2 - Collector, Dhamtari District Dhamtari Chhattisgarh

3 - Tahsildar Tahsil Kurud District Dhamtari Chhattisgarh

4 - Sarpanch/ Secretary Of Gram Panchayat Mendraka P.S. Kurud,
District Dhamtari Chhattisgarh

5 - Shalimar Corp. Ltd. Bhelwadih Abhanpur, Dc Abhanpur, Tahsil
Abhanpur, District Dhamtari Chhattisgarh

6 - Project Director Project Implementation Unit - Abhanpur, National
Highways Authority Of India Montfort Rhs Building Hh-30, Jhanki
Abhanpur, District Raipur Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Bharat Lal Sahu, Advocate

For Respondent(s) : Mr. Praveen Das, Add. A.G. and Mr. Dhiraj
Kumar Wankhede with Ms. Samyak Singhai,
Advocate



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

Per Ramesh Sinha, Chief Justice

16.04.2026

1. Heard Mr. Bharat Lal Sahu, learned counsel for petitioner as well as Mr. Praveen Das, learned Additional Advocate General, appearing for the State/respondent as well as Mr. Dhiraj Kumar Wankhede with Ms. Samyak Singhai, learned counsel for respondent No. 6/NHAI.
2. The present writ petition has been filed by the petitioner styled as public interest litigation with the following prayers:

“(i) That, the Hon'ble Court may kindly be pleased to call for entire record from the respondent authorities, in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities consider complaint of the petitioner and to recover amount of losses 1,45,000 Ghan-meter from the respondent no. 5 with interest within stipulated time, in the interest of justice.

(iii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to take appropriate legal action against the culprit responsible persons for supporting of the alleged dug, in the interest of justice.

(iv) That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”



3. Brief facts of the case are that the present writ petition has been filed by the petitioner, a social worker and permanent resident as stated in the cause title, seeking a direction to the respondent authorities to consider and decide his pending complaints/representations and to recover the loss caused to the State to the extent of 1,45,000 cubic-meter of soil gravel from the private respondent No. 5. The grievance of the petitioner arises from the fact that respondent No. 5 was granted permission upon payment of royalty amounting to Rs. 2,50,000/- for excavation of only 5,000 cubic-meter of soil/gravel (मिट्टी/गिट्टी) from land bearing Khasra No. 495 admeasuring 3.140 hectares situated at Village Mendraka, P.S.- Kurud, District-Dhamtari (C.G.) for the purpose of construction of Bharatmala Road. However, in gross violation of the said permission, the respondent No. 5 illegally excavated approximately 1,50,000 cubic-meter of soil gravel at multiple locations including Khasra Nos. 730, 646, 305 and 717, allegedly in connivance with respondent No. 4 (Sarpanch), without any Gram Sabha approval or due process of law, thereby causing substantial financial loss to the Government as well as serious environmental and agricultural harm to the villagers due to depletion of water levels. It is further submitted that despite repeated complaints and representations, supported by RTI information and proceedings before the learned Tahsildar indicating such illegal excavation and loss, the respondent authorities have failed to take any action for recovery or penal



consequences. The petitioner had earlier approached this Court by filing WPC No. 3578/2025, which was withdrawn with liberty to file a better constituted petition, and hence, the present petition has been preferred.

4. Learned counsel for the petitioner submits that the petitioner, being a public-spirited person and social worker, has approached this Court seeking appropriate directions against the inaction of the respondent authorities in a matter involving grave illegality and loss to the public exchequer, inasmuch as respondent No. 5, despite being granted permission upon payment of royalty of Rs.2,50,000/- for excavation of only 5,000 cubic-meter of soil gravel from Khasra No. 495 admeasuring 3.140 hectares for the Bharatmala road project, has in blatant violation of the terms of permission and statutory provisions, illegally excavated approximately 1,50,000 cubic-meter of soil gravel from multiple Khasra numbers and locations, allegedly in connivance with respondent No. 4 and without any sanction of the Gram Sabha or competent authority, thereby causing substantial financial loss to the State to the extent of 1,45,000 cubic-meter as revealed through RTI information and revenue proceedings, and also adversely affecting the agricultural activities and groundwater level of the villagers. It is further submitted that despite repeated complaints and representations made by the petitioner and villagers, no action has been taken by the respondent authorities till date, which is arbitrary, illegal and violative of their statutory



duties, compelling the petitioner to invoke the extraordinary jurisdiction of this Court, especially in light of the earlier writ petition being withdrawn with liberty to file afresh, and thus, appropriate directions for consideration of representation and recovery of the loss are liable to be issued.

5. On the other hand, learned State counsel submits that the present petition, though styled as a Public Interest Litigation, is not maintainable as the petitioner lacks bona fide locus standi and the issue involved does not disclose any real element of public interest. It is contended that the allegations pertain to excavation of soil and alleged excess mining activity, which fall squarely within the domain of the competent revenue and mining authorities, and appropriate statutory mechanisms are already in place to deal with such grievances. It is further submitted that the petitioner is attempting to give a colour of public interest to what is essentially an administrative dispute, and the same cannot be agitated in the guise of a PIL. The petitioner has not demonstrated any direct legal injury nor any exceptional circumstance warranting interference under Article 226 of the Constitution of India. Hence, the petition deserves to be dismissed.
6. We have heard learned counsel for the parties and perused the documents annexed with the petition.
7. From perusal of the material available on record, it transpires that the grievance of the petitioner relates to alleged excess



excavation of soil and gravel by respondent No. 5 beyond the permitted quantity and consequential loss to the State exchequer. The record further reflects that such matters are subject to regulation and supervision by the competent authorities under the relevant mining and revenue laws. It also appears that the petitioner has already submitted complaints/representations before the authorities concerned and has relied upon RTI information and proceedings before the Tahsildar. However, the core issue pertains to factual determination of quantity excavated, assessment of loss and initiation of recovery proceedings, which are matters falling within the statutory jurisdiction of the competent authorities. The petitioner has not established any exceptional circumstance demonstrating failure of statutory remedies so as to invoke writ jurisdiction in the nature of a PIL.

8. The Courts cannot allow its process to be abused for oblique purposes, as was observed by the Supreme Court in ***Ashok Kumar Pandey v. State of West Bengal***, reported in (2004) 3 SCC 349. In ***Balwant Singh Chaufal*** (supra) the Hon'ble Supreme Court had discussed the three stages of a PIL which has been discussed above. The Supreme Court, in ***Balwant Singh Chaufal*** (supra) states as to how this important jurisdiction, i.e., PIL has been abused at Para 143 by observing as under:

"143. Unfortunately, of late, it has been noticed that such an important jurisdiction which has been carefully carved out, created and nurtured with great



care and caution by the courts, is being blatantly abused by filing some petitions with oblique motives. We think time has come when genuine and bona fide public interest litigation must be encouraged whereas frivolous public interest litigation should be discouraged. In our considered opinion, we have to protect and preserve this important jurisdiction in the larger interest of the people of this country but we must take effective steps to prevent and cure its abuse on the basis of monetary and non-monetary directions by the courts.”

9. The Supreme Court, in **Holicow Pictures (P) Ltd. v. Prem Chand Mishra**, reported in (2007) 14 SCC 281 which has relied **Janata Dal v. H.S. Chowdhary**, reported in (1992) 4 SCC 305, observed as under:

“12. It is depressing to note that on account of such trumpety proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death facing gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters—government or private, persons awaiting the disposal of cases wherein huge amounts of public revenue or unauthorised collection of tax amounts are locked up, detenu expecting their release from the detention orders, etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having



absolutely no public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for glare of publicity, break the queue muffing their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the courts never moves, which piquant situation creates frustration in the minds of the genuine litigants and resultantly they lose faith in the administration of our judicial system.”

10. The Hon'ble Supreme Court, in **Gurpal Singh v. State of Punjab & Others** reported in (2005) 5 SCC 136, the appointment of the appellant as Auction Recorder was challenged. The Court held that the scope of entertaining a petition styled as a public interest litigation and *locus standi* of the petitioner particularly in matters involving service of an employee has been examined by this Court in various cases. The Court observed that before entertaining the petition, the Court must be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. The court has to strike balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions.
11. In the present case, this Court is not satisfied that the petition



discloses a genuine case of public interest warranting interference under Article 226 of the Constitution of India. The grievance raised by the petitioner pertains to enforcement and compliance of statutory provisions by the authorities concerned, for which appropriate remedies are available under law before the competent forum. Accordingly, the present petition, being devoid of merit and not maintainable as a Public Interest Litigation, is liable to be and hereby **dismissed**. The security amount deposited by the petitioner stands forfeited.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet