



2026:CGHC:21347-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPPIL No. 27 of 2026**

Damyanti Mandal Soni W/o Manoj Soni Aged About 47 Years R/o
531/54 Lucky Kirana Store Godwari Nagar District Raipur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Iys Principal Secretary, Department Of Urban Administration And Develoment Indrawati Bhawan,block -D 4th Floor,atal Nagar, Nava Raipur Chhattisgarh -492002.

2 - State Of Chhattisgarh Through Its Principal Secretary, Housing And Environmemt Department Government Of Chhattisgarh, Mahanadi Bhawan Mantralaya Atak Nagar Nava Raipur Chhattisgarh -492002.

3 - State Of Chhattisgarh Through Its Principal Secretary, Housjng And Environment Department Government Of Chhattisgarh, Mahanadi Bhawan Mantralaya Atal Nagar Nava Raipur , Chhattisgarh -492002

4 - Chairman Chhattisgarh Environment Conservation Board (Cecb) Paryavas Bhawan, North Bkock Sector -19, Atal Nagar, Nava Raipur, Chhattisgarh -492002.

5 - Collector District Rajnandgaon, Collectorate Rajnandgaon Chhattisgarh -491441.



6 - Superintendent Of Police District Rajnandgaon, S.P. Office G.E. Road Rajnandgaon, Chhattisgarh -491441

7 - Sub -Divisional Officer (Revenue)rajnandgaon Office Of The Sdo (Revenue),rajnandgaon Chhattisgarh -491441.

8 - Director Town And Country Planning Department Indrawati Bhawan Block -4 3rd Floor Atal Nagar, Nava Raipur, Chhattisgarh -492002

9 - State Environment Impact Assessment Authority (Seiaa) Paryavas Bhawan North Block Sector -19 Atal Nagar, Nava Raipur, Chhattisgarh - 492002.

10 - Municipal Corporation Local Authority Nagar Palik Nigam Near Chowk, G.E. Road Rajnandgaon,chhattisgarh -491441

11 - Shri Ghanshyam Dewangan, S/o Kesho Ram Dewangan R/o Gram Bhathagaon, Post Bhendikala,tehsil And District Rajnandgaon Chhattisgarh.

... Respondent(s)

For Petitioner(s) : Mr. Amit Kumar Singh, Advocate.

For Respondent(s) : Mr. Praveen Das, Additional Advocate General,
Mr. Anadi Sharma, Advocate and Mr. Trivikram
Nayak, Advocate

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

Per Ramesh Sinha, Chief Justice

07.05.2026

1. Heard Mr. Amit Kumar Singh, learned counsel for the petitioner.



Also heard Mr. Praveen Das, learned Additional Advocate General appearing for respondents/State, Mr. Anadi Sharma and Mr. Trivikram Nayak, learned counsel for respective respondents.

2. The present petition has been filed by the petitioner with the following relief(s):-

“a. Issue a Writ of Certiorari or any other appropriate writ quashing the order dt. 20.12.2024 (Annexure P-01) and 20.11.2024 (Annexure-P-02) passed in respect of the khasra numbers referred to in the petition, on the ground that the same were obtained by misrepresentation and without compliance with mandatory procedural requirements.

concerned Municipal/Panchayat b. Issue a direction to the District Collector, Rajnandgaon, and authority to the immediately seal the construction site and halt all further construction activity pending final adjudication of this petition.

of c. Issue a direction to constitute a Joint Inspection Committee the Chhattisgarh comprising representatives Environment Conservation Board (CECB), the Town and Country Planning Department, the Central Ground Water Authority, and the Office of the District Collector, Rajnandgaon, to conduct an on-site inspection of the construction and submit a report to this Hon'ble Court within a



stipulated period.

d. Issue a direction that no Occupancy Certificate, No Objection Certificate, or any licence or permission shall be granted to Respondent No. 8 in respect of the said water park project until full compliance with all applicable environmental, planning, safety, and health laws is demonstrated to the satisfaction of this Hon'ble Court.

e. Issue a direction to Respondent No. 8 to pay costs for the illegal construction undertaken in violation of law, and to restore the land to its original condition if the construction is found to be wholly unauthorized.

f. Issue a direction to the concerned authorities to conduct a comprehensive survey and inspection of all Water Parks operating or under construction across the entire State of Chhattisgarh, and to identify and document all deficiencies including absence of mandatory Environmental Clearance, NOC from CGWA, Consent to Establish (CTE), Consent to Operate (CTO) from CECB, Fire Safety Certificate, Structural Stability Certificate, BIS certification under IS 15492, layout and building plan approval from Town & Country Planning Department, Health Department permissions for water quality maintenance, and any other statutory



compliances as may be required under applicable laws; and further to take appropriate action against all such water parks found to be operating in violation of law, in the interest of public safety and environmental protection.”

3. Mr. Amit Kumar Singh, learned counsel appearing for the petitioner would submit that the petitioner is practicing advocate and a public-spirited citizen, against the illegal construction of a Water Park at Gram Kakrail, District – Rajnandgaon (C.G.).
4. Brief facts of the case are that The present Public Interest Litigation has been filed challenging the illegal diversion and unauthorized construction of a water park by Respondent No. 8 over agricultural lands situated at Village Kakrail, Tehsil and District Rajnandgaon. It is alleged that the respondent obtained diversion of the land from agricultural to commercial use under Section 59 of the Chhattisgarh Land Revenue Code by misrepresenting that the land would be used for construction of shops, despite the absence of requisite approvals from the Town and Country Planning Department and other competent authorities. Thereafter, the respondent allegedly commenced construction of a large-scale water park without obtaining mandatory Environmental Clearance, Consent to Establish/Operate from the Pollution Control Board, groundwater extraction permission, fire safety clearance, layout approval, electrical safety certification, health permissions, and other



statutory licenses. It is further alleged that no Sewage Treatment Plant has been installed and that the project poses serious environmental, groundwater, public health, and safety concerns. Despite repeated representations made by the petitioner and wide media reporting regarding the illegalities involved, the authorities failed to take appropriate action, compelling the petitioner to approach this Court seeking intervention to restrain the unauthorized construction and ensure compliance with law.

5. Learned counsel for the petitioner submits that the respondent has illegally misused the land diversion permission granted for construction of shops by undertaking construction of a large-scale water park, which is entirely different in nature, impact, and regulatory requirements. The diversion proceedings themselves were vitiated by fraud and misrepresentation, as the public notice falsely stated that the layout plan had been approved by the Town and Country Planning Department, whereas no such approval existed. The diversion orders were thus obtained by suppression of material facts and are liable to be declared void ab initio in light of the settled principle that fraud vitiates all proceedings. He further submits that the Respondent has commenced construction without obtaining mandatory approvals and sanctions required under the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, environmental laws, and building regulations. No valid layout approval, building sanction, Environmental Clearance, Consent to Establish (CTE), or Consent to Operate (CTO) has been obtained



from the competent authorities. The construction is therefore wholly unauthorized and contrary to sanctioned land use and planning norms. It is settled law that constructions raised in violation of sanctioned plans and statutory provisions are illegal and liable to demolition. He also submits that the project poses serious environmental and public health hazards. The water park involves excessive extraction and consumption of groundwater without permission from the Central Ground Water Authority, and no Sewage Treatment Plant (STP) has been installed for treatment of wastewater. The absence of pollution control mechanisms, water quality management systems, and health clearances creates a substantial risk of contamination, groundwater depletion, and spread of water-borne diseases. The actions of the Respondent are in violation of the Precautionary Principle, Public Trust Doctrine, and the right to a clean and healthy environment guaranteed under Article 21 of the Constitution of India.

6. Learned counsel for the petitioner lastly submits, that the respondent has failed to obtain mandatory fire safety, structural stability, electrical safety, BIS compliance, and other public safety certifications required for operation of a water park, particularly one frequented by children and the general public. Despite repeated representations and widespread media reports highlighting the illegalities and risks involved, respondent Nos. 1 to 7 have failed to take effective action against respondent No. 8,



thereby permitting the illegal construction to continue unchecked and necessitating intervention by this Court.

7. On the other hand, learned State counsel would object the locus standi of the petitioner and submits that the allegations made by the petitioner involve disputed questions of fact, which cannot be adjudicated in writ jurisdiction under Article 226 of the Constitution of India. It is submitted that the diversion proceedings and permissions were undertaken by the competent authorities in accordance with law and mere allegations of fraud or illegality, without cogent evidence, are not sufficient to declare the proceedings void-ab-initio. He further submits that the issues relating to layout approval, Environmental Clearance, Consent to Establish (CTE), Consent to Operate (CTO), groundwater extraction, fire safety, and other statutory compliances fall within the jurisdiction of the concerned specialized authorities, who are competent to examine the same in accordance with the applicable laws and regulations. It is submitted that if any violation or deviation is found, appropriate action shall be taken by the competent authority strictly in accordance with law. He also submits that petitioner has an efficacious alternative remedy under the relevant statutory enactments and the State authorities are already looking into the matter. Since no final finding regarding violation of any statutory provision has yet been recorded by the competent authority, the present petition is premature and deserves to be dismissed.



8. Having considered the rival submissions advanced by 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 styled as a Public Interest Litigation does not warrant interference in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The allegations raised by the petitioner regarding illegal diversion of land, absence of statutory clearances, environmental violations, and unauthorized construction involve seriously disputed questions of fact requiring detailed factual inquiry, examination of records, and adjudication by the competent statutory authorities. Such disputed issues cannot appropriately be adjudicated in a PIL proceeding on the basis of mere allegations and newspaper reports.
9. 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 Chauhan*** (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 Chauhan*** (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."

10. 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.”

11. It is further evident from the record that the matters relating to grant of Environmental Clearance, Consent to Establish (CTE), Consent to Operate (CTO), groundwater extraction permission, layout approval, fire safety certification, and other regulatory compliances fall within the domain of specialized statutory authorities constituted under the relevant enactments. The competent authorities are empowered to inspect, verify, and take appropriate action in accordance with law in the event any violation is found. Merely because the petitioner alleges non-compliance of statutory provisions, this Court cannot assume the role of a fact-finding authority in a PIL jurisdiction, particularly when no conclusive determination has yet been made by the competent authorities.
12. This Court also finds substance in the objection raised by the learned State counsel with regard to maintainability of the present Public Interest Litigation. The Hon'ble Supreme Court in *Ashok Kumar Pandey v. State of West Bengal*, reported in (2004) 3 SCC



349, *State of Uttaranchal v. Balwant Singh Chaufal*, reported in (2010) 3 SCC 402 and *Holicow Pictures (P) Ltd. v. Prem Chand Mishra*, reported in (2007) 14 SCC 281, has repeatedly cautioned the Courts against entertaining PILs founded upon vague, unverified, or motivated allegations. The extraordinary jurisdiction of Public Interest Litigation is intended to advance genuine public causes and not to convert the constitutional courts into supervisory bodies for resolving every disputed factual controversy.

13. In the present case, except making general allegations regarding illegality and non-compliance, the petitioner has failed to place any cogent material on record conclusively establishing that the diversion orders were obtained by fraud or that the authorities have acted in a manner contrary to statutory provisions. Moreover, efficacious alternative remedies are available to the petitioner under the relevant statutes for redressal of grievances relating to land diversion, environmental compliance, and construction permissions.
14. Accordingly, this petition is liable to be dismissed and is hereby **dismissed**.
15. The security amount deposited by the petitioner stands forfeited.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice