



2026:CGHC:23650-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPPIL No. 32 of 2026**

Jeetendra Kumar Sahu S/o Shri Dharamlal Sahu Aged About 43 Years R/o Pattharipara, Sahu Basti, Ward No. 17, Near Vidyut Grih School, Tehsil And District- Korba (C.G.)

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

1 - State Of Chhattisgarh Through Secretary, Scheduled Caste And Scheduled Tribe Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur (C.G.)

2 - Secretary Department Of Home, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur (C.G.)

3 - Commissioner Scheduled Caste And Scheduled Tribe Development Department, Indrawati Bhawan, New Raipur, District- Raipur (C.G.)

4 - Assistant Commissioner Tribal Development Department, Korba, District- Korba (C.G.)

5 - Collector Korba, District- Korba (C.G.)

6 - Chief Executive Officer Zila Panchayat, Korba, District- Korba (C.G.)

7 - SHO, Police Station- State Economic Crime Investigation And Anti Corruption Bureau, Raipur, District- Raipur (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Amit Soni, Advocate.

For Respondent(s) : Mr. Shashank Thakur, Additional Advocate General

Hon'ble Mr. Ramesh Sinha, Chief Justice

Hon'ble Mr. Ravindra Kumar Agrawal, Judge

**Order on Board****15/06/2026**

1. Heard Mr. Amit Soni, learned counsel for the petitioner. Also heard Mr. Shashank Thakur, learned Additional Advocate General for the State/respondents.
2. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following relief(s):

“10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction directing the respondent authorities to register FIR(s) and initiate Criminal Prosecution against the erring Public Servants, forthwith on the basis of the inquiry report (Annexure P/1).

10.2 That, this Hon'ble Court may kindly be pleased to issue writ/writs, direction/directions directing the respondent authorities to initiate and conclude departmental/disciplinary proceedings against erring public servants/government officials and all other officers/officials found responsible for illegal collection of tender form fees, disappearance of records, irregular tender process, unauthorized payments, non-deposit of statutory deductions and dereliction of duty.

10.3 That, this Hon'ble Court may kindly be pleased to issue writ/writs, direction/directions directing the respondent authorities to undertake recovery of the misappropriated public funds from the persons/firms found liable.

10.4 That, this Hon'ble Court may kindly be pleased to issue writ/writs, direction/directions directing the respondent authorities to decide the pending representation (ANNEXURE P/8) of the



petitioner.

10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

3. The petitioner herein is employed as a reporter in News Channel INN24 for the last 10 years and claims himself to be a social activist engaged in public welfare activities and has filed various petitions at different forums.
4. The facts, as projected by the petitioner is that in the financial year 2021-22, a sum of Rs.495.790 lakh was sanctioned under Article 275(1) of the Constitution of India for "small construction, renovation and supply of essential materials in departmental hostels/ashrams in District Korba", which amount was intended for welfare and better living conditions of tribal students. The Assistant Commissioner, Tribal Development, Korba was designated as the implementing agency for the said works vide order dated 06.06.2022 issued by the Integrated Tribal Development Project, Korba. Out of the sanctioned amount, administrative approval was issued for 33 minor construction/renovation works amounting to Rs.404.00 lakhs in various hostels/ashrams situated in Korba, Kartala, Pali and Podi-Uroda blocks. Apart from this, administrative approval was also granted for supply of mattresses, computer sets, printers, UPS, computer tables and chairs amounting to Rs.59.73234 lakh.
5. Mr. Soni, learned counsel for the petitioner submits that the petitioner has come to know that there is financial large-scale misappropriation irregularities in the aforesaid sanctioned fund and work through local information and public sources, thereafter the petitioner invoked his statutory right under the Right to Information Act and sought information and records relating to the works sanctioned under Article 275(1) on



08.11.2023. Vide letter dated 09.02.2024 the petitioner was informed through official communication/records that the records relating to the works under Article 275(1) were not available in the office of the Assistant Commissioner, Tribal Development, Korba. The very disclosure by the public authority that core original records concerning expenditure of public money were unavailable clearly demonstrates grave illegality, suppression of material records and a strong prima facie case requiring judicial scrutiny. It was further informed to petitioner that in view of the missing records and suspicious circumstances, the Collector, Korba, vide order No./Construction/2023-24/791 dated 22.05.2023, constituted an investigation team under the chairmanship of the Additional Collector, Korba to investigate the matter and submit a report within 15 days. But, even after the lapse of almost two year no action was taken by inquiry committee as a result of which again RTI application was made by Petitioner. The petitioner was continuously pursuing the matter and made number to representations to various authorities to take action. Subsequently the inquiry committee examined available records from the office of the Project Administrator, Integrated Tribal Development Project, Korba, including administrative approvals, technical sanctions, tender-related documents, statements of firms, payment details and technical inspection reports. As per the inquiry report, four private firms were found to have received work orders under the said scheme, namely: M/s Shri Sai Traders, M/s Shri Sai Kripa Builders, M/s S.S.A. Construction, and M/s Balaji Infrastructure. The inquiry committee summoned the said firms on 02.02.2024, 28.10.2024 and 03.01.2025 and recorded their written statements. The firms furnished photocopies of work orders and disclosed the manner in which they had obtained tender forms and work orders. The firms uniformly stated that the tender documents were



obtained by paying the prescribed amount directly to the then Assistant Commissioner, Mrs. Maya Varier, by being called to her chamber/office; no receipt whatsoever was provided for the tender document amount; the work orders were also directly issued by the then Assistant Commissioner; measurements were allegedly recorded by the concerned Sub-Engineer and verification was done by the Assistant Engineer; and payments were credited online to their bank accounts, though they had no information as to who actually processed the payments.

6. Mr. Soni further submits that these statements, recorded in official inquiry, disclose a prima facie case of gross financial misconduct, abuse of official position, evasion of statutory procedure and embezzlement of Government money collected towards tender forms and not deposited in Government treasury. The inquiry report further records the details of payments made through PFMS to the aforesaid firms. As per the report, a total amount of Rs.3,07,50,722/- was transferred, and Rs.2,90,95,904/- was actually withdrawn from bank accounts by the firms. Despite such huge disbursement of public money, the inquiry found that certain works had not even been started. The report specifically noted that the following four works totalling Rs.48.00 lakh had not been commenced: (I) Additional room construction in Pre-Matric Tribal Boys Hostel, Jarve - Rs. 15.00 lakh (ii) Additional room construction in Pre-Matric Tribal Boys Hostel, Silli - Rs. 15.00 lakh, (iii) Construction of dining hall and library room in Primary Level Tribal Boys Ashram, Chuiya Rs. 15.00 lakh, (iv) Boundary wall construction in Primary Level Tribal Boys Ashram, Karapali/Kursipali Rs.3.00 lakh.
7. According to the petitioner, the inquiry committee recommended cancellation of work orders issued for the aforesaid unstarted works. In order to physically verify the extent of execution, a technical team



comprising departmental and attached Sub-Engineers was constituted to conduct site inspection and submit an assessment report. The technical inspection revealed that in several institutions, the work allegedly executed on site was grossly to the disproportionate sanctioned/ agreement amount, and in many places only minor, superficial or fragmentary work was found against major payments already released. After spot inspection, the technical staff concluded that work worth approximately Rs.80.00 lakh was not found to have been executed, despite payments having been made. The report also records that statutory deductions such as GST, Income Tax and Labour Tax deducted from bills of the concerned firms were not reflected in their TDS records till the date of inquiry, thereby indicating that amounts deducted from bills were not properly deposited within time, which itself constitutes another serious financial irregularity. The inquiry committee, on the basis of documentary material, statements and spot verification, formed the opinion that (i) the amount fixed for tender forms appears to have been embezzled without deposit into treasury; (ii) this constitutes a serious financial irregularity warranting disciplinary action against the then Assistant Commissioner Mrs. Maya Varier; (iii) since files/records are not available in the Assistant Commissioner's office, an FIR ought to be registered regarding the missing records and related transactions; (iv) disciplinary action is also required against the in-charge of construction branch for non- deposit of statutory deductions; and (v) deficient works should be got redone by the concerned contractors as per agreement amount. An FIR bearing Crime No. 501/2025 has been registered at Police Station Civil Lines, Korba, in pursuance to inquiry report against the contractors but not against the erring officials. The findings of the inquiry report are not in the realm of mere suspicion. They are founded on



official statements, official payment records, work orders, inspection reports and admissions made by the contractors themselves. The public money involved was earmarked for the welfare of tribal students studying and residing in hostels/ashrams. Misappropriation of such funds has a direct and devastating impact on students belonging to historically disadvantaged Scheduled Tribe communities, whose residential infrastructure was meant to be improved under the constitutional scheme. Any siphoning of such funds is a fraud not only on the public exchequer but also upon constitutional governance and social justice. Despite the gravity of the findings and express recommendations of the inquiry committee, no transparent, effective and time-bound criminal investigation has been brought to its lawful culmination, nor has full recovery of loss been ensured, nor has responsibility been fixed in a manner commensurate with the magnitude of the fraud. The disappearance of original files, combined with direct handling of tender forms, absence of receipts, irregular issuance/cancellation of tenders, release of payments and deficient execution of works, demonstrates a concerted design to defeat audit trail, frustrate accountability and shield the real beneficiaries of the misappropriated funds. The petitioner has made representations to authorities initiate action against erring officials but no heed has been paid by the authorities. As such, the present matter warrants judicial intervention by this Hon'ble Court so that an independent investigation can be directed, accountability can be fixed on delinquent officers and private contractors, criminal proceedings can be initiated and public money can be recovered. There is every likelihood that the issue would be buried in bureaucratic inaction, the guilty would escape, the records would remain untraced and the loss to the public exchequer would remain unrecovered. Hence, this petition.



8. Per contra, learned Additional Advocate General appearing for the State submits that an FIR bearing Crime No. 501/2025 has already been registered at Police Station Civil Lines, Korba, concerning the subject matter in question. It is further submitted that the investigation is presently underway and if, during the course of investigation, involvement of any public servant or any other person is revealed, the investigating agency shall proceed in accordance with law. It is, therefore, contended that the present petition is not maintainable and amounts to an abuse of the process of the Court.
9. We have considered the submissions advanced on behalf of the parties and have perused the material available on record.
10. From the pleadings of the petitioner himself, it is evident that an FIR has already been registered with respect to the allegations forming the subject matter of the present PIL. Once the criminal law has been set into motion and the matter is under investigation by the competent agency, this Court, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, would ordinarily refrain from issuing directions either for registration of another FIR against particular individuals or for supervising the manner in which the investigation is to be conducted.
11. The petitioner essentially seeks a direction that specific public servants should also be prosecuted and departmental proceedings be initiated against them. However, the power to investigate and ascertain the complicity of any person in the commission of an offence lies within the domain of the investigating agency. If the investigation discloses involvement of any public servant, nothing prevents the authorities from proceeding against such persons in accordance with law. At this stage,



issuance of a writ compelling prosecution of identified individuals would amount to interference in the investigative process.

12. The jurisdiction under public interest litigation petition is intended to advance genuine public causes and to protect the rights of those who are unable to approach the Court. It cannot be permitted to become an instrument for pursuing personal agendas, seeking publicity or compelling the Court to monitor investigations when the statutory authorities are already seized of the matter. In the present case, the grievance raised by the petitioner has already attracted the attention of the competent authorities. An inquiry was conducted and, based on the material collected, an FIR has been registered. The apprehension of the petitioner that the authorities may not take appropriate action against all persons involved is merely speculative at this stage.
13. In our considered view, no interference / direction by this Court is called for in the facts of the present case. The reliefs sought by the petitioner would require this Court to enter into the arena of investigation and to issue directions regarding the persons against whom prosecution should be launched, which is impermissible in exercise of writ jurisdiction in the absence of exceptional circumstances. Having regard to the totality of circumstances, we are of the opinion that the present petition does not disclose any subsisting element of public interest warranting interference by this Court under Article 226 of the Constitution of India. Rather, it appears to be an attempt to invoke the PIL jurisdiction for seeking monitoring of an ongoing investigation and for securing directions against particular individuals, which cannot be countenanced.
14. Accordingly, the writ petition, being devoid of merit, deserves to be and is hereby **dismissed**. The security amount deposited by the petitioner also



stands forfeited. Needless to state that if the grievance of the petitioner still subsists, he may take recourse to provisions under Section 156(3) Cr.P.C {now Section 175(3) of the BNSS}, if so advised.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Brijmohan