



2025:CGHC:42585-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 71 of 2025

Kshetriya Transporter Welfare Association Sipat, (Registration No. 122202460576) Office At Sipat, Distt.- Bilaspur (C.G.) Through- President- Shatruhan Kumar Laskar S/o Late Nanduram Laskar, Aged About 56 Years R/o Village- Hindadih, Sipat, Distt.- Bilaspur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through- Secretary, Department Of Transport Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt.- Raipur (C.G.)

2 - Ntpc Limited Through- Chairman Cum Managing Director, Sipat Super Thermal Power Project, Sipat, Distt.- Bilaspur (C.G.)

3 - Collector Bilaspur, Distt- Bilaspur (C.G.)

4 - Transport Commissioner Block C, 3rd Floor, Indrawati Bhawan, Atal Nagar, Atal Nagar- Nava Raipur, Distt.- Raipur (C.G.)

5 - Regional Transport Officer Bilaspur, Distt.- Bilaspur (C.G.)

6 - Chhattisgarh Environment Conservation Board Through- Chairman, Room No.- S-23, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Distt.- Raipur (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Sanjay Patel, Advocate

For Respondent(s) : Mr. Sangharsh Pandey, G.A., Mr. Rajeev

Shrivastava, Sr Adv along with Mr. Anuroop

Panda and Kaif Ali, Advocates

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

Per Ramesh Sinha, Chief Justice

22.08.2025

1. Heard Mr. Sanjay Patel, learned counsel for the petitioner as well as Mr. Sangharsh Pandey, learned Government Advocate, appearing on behalf of the State/respondents and Mr. Rajeev Shrivastava, learned Senior Advocate along with Mr. Anuroop Panda and Kaif Ali, learned counsel for respondent No.2.
2. The present petition has been filed by the petitioner with the following relief(s):-

“10.1 It is therefore prayed that this Hon'ble Court may kindly be pleased to issue an appropriate writ or order and direct the NTPC Limited Sipat not to emancipate the overloaded truck containing fly ash and may further kindly be pleased to direct the NTPC Sipat to use and cover tarpaulin over truck containing fly ash.

10.2 It is therefore prayed that this Hon'ble Court may kindly be pleased to issue an appropriate writ or order and direct the respondent authorities and Regional Transport Officer to follow and comply section 113,114, 194 and 200 of Motor vehicle Act, 1988 and do not allow any overloaded truck to ply in Bilaspur-sipat-

Baloda Road.

10.3 Any other relief which this Hon'ble Court may deem fit.”

3. Mr. Sanjay Patel, learned counsel appearing for the petitioner would submit that the petitioner is an Association worked for welfare of residents of Chhattisgarh particularly the residents of Sipat and nearby villages.
4. Brief facts of the case are that NTPC Limited Sipat Super Thermal Power Station is located at Sipat in Bilaspur (C.G.). The power plant is one of the coal based power plants of NTPC. The coal for the power plant is sourced from Dipika Mines of South Eastern Coalfields Limited. The project has an installed capacity of 2980 MW consisting of two stages, stage one which got commissioned late was of 3 units of 660 MW each involving super-critical boilers technology and stage two consisted of 2 units of 500 MW each. NTPC Limited is state within the meaning of Article 12 of the Constitution of India therefore amenable to writ jurisdiction of this Hon'ble Court. The Ministry Of Environment, Forest And Climate Change issued a Notification on 31st December, 2021, in the said notification the phrase 'ash', has been used which includes both fly ash as well as bottom ash generated from the Coal or Lignite based thermal power plants. The notification fastened Responsibilities on thermal power plants to dispose fly ash and bottom ash. The notification also says that a committee shall be constituted under the chairmanship of Chairman, Central Pollution

Control Board (CPCB) and having representatives from Ministry of Environment, Forest and Climate Change (MoEFCC), Ministry of Power, Ministry of Mines, Ministry of Coal, Ministry of Road Transport and Highways, Department of Agricultural Research and Education, Institute of Road Congress, National Council for Cement and Building Materials, to examine and review and recommend the eco- friendly ways of utilization of ash and make inclusion or exclusion or modification in the list of such ways as mentioned in Subparagraph(2) based on technological developments and requests received from stakeholders. The committee may invite State Pollution Control Board or Pollution Control Committee, operators of thermal power plant sand mines, cement plants and other stakeholders as and when required for this purpose. Based on their commendations of the Committee, Ministry of Environment, Forest and Climate Change (MoEFCC) may publish such Eco-friendly purpose. Every coal or lignite based thermal power plant shall ensure that loading, unloading, transport, storage and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken and status in this regard shall be reported to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in Annexure attached to this notification. The fly ash is transported mostly by trucks. Overloading badly damages precious road infrastructure, incurring huge expenses on the exchequer to maintain the roads and is one

of the major causes for increasing major road accidents. It will not be out of place to mention here at this juncture that More than 33,700 people have died and 70,255 others suffered injuries in 79,523 road accidents in the last six years in Chhattisgarh, the State government informed the Assembly on Tuesday (February 25, 2025). Overload Vehicle plays an important role in these fatal accidents where lives of Humans are at stake. While overloading is not the sole cause, it is a significant contributing factor to the rising number of road accidents in Chhattisgarh, particularly in coal-bearing areas and NTPC Sipat. The data of road accidents in January February 2025 shows that total 2562 accidents occurred and out of which 244 occurred in Bialspur and most accidents occurred in Sipat only.

Road Transport being a state subject the responsibility for curbing the overloading of vehicles primarily rests with the state government. Due to overloading, the roads have become dilapidated, infact there is no roads, only potholes, which have taken number of lives, the village panchayats nearby of Sipat have moved representations to the NTPC and State Administrations requesting them to follow the law and stop overloading of fly ash that too without tarpaulin. The petitioner also moved several representations to the authorities.

The staff of the RTO had written letter to the NTPC management stating that the overloading should not be done and thus he had done his duty. Even Collector had taken experienced

the potholes of Sipat-Baloda Road and asked the executive engineer PWD to prepare a road in which people can walk. Since no action is being taken by the authorities hence this petition.

5. Learned counsel for the petitioner submits that the inaction on the part of authorities in not taking any steps to stop overloading trucks emancipated from NTPC Sipat is bad, illegal, arbitrary and contrary to law applicable to the facts and circumstances of the case. The Hon'ble Supre Court in the matter of ***Paramjit Bhasin Vs Union of India***, reported in (2005)12 SCC 642 directed the authorities to stop overloading of trucks as per section 113,114,195 and 200 of the Constitution of India. The authorities ought to have considered that because of potholes which was caused by overloading of trucks emancipated from NTPC Sipat have taken number of lives therefore the overloading should be stop immediately by the authorities. The Hon'ble Supreme Court in the matter of ***S. Rajaseekaran Vs Union of India***, reported in (2018)13 SCC 516 was pleased to direct the states to constitute a committee for road safety and immediate relief to injured and death victims of road accident caused by overloading. Ss per notification dated 13.12.2021, the state and NTPC must check the overloading and road safety.
6. On the other hand, learned State counsel would object the locus standi of the petitioner and submits that the pleadings suffer from a fundamental defect inasmuch as there is no disclosure of authorization in the body of the petition. Only at the last stage has

a purported authorization been annexed, which appears to be an afterthought and cannot cure the inherent lack of locus standi. He further submits that W.P.(PIL) No.37/2024 is already pending before this Court wherein the very issue raised in the present petition is under active consideration, and this Court has even taken suo motu cognizance in the matter. In spite of the same, the petitioner has chosen to file the present PIL, which shows that the present petition has been filed not in pursuit of any genuine public cause but only to secure his personal gain. Such conduct amounts to clear abuse of the process of law and renders the present PIL liable to be dismissed at the threshold.

7. Learned Senior Advocate appearing for respondent No.2 / NTPC states that the present writ petition is nothing but a motivated litigation camouflaged as a Public Interest Litigation. The petitioner is admittedly a transporter by profession and has a direct commercial interest in obtaining transportation contracts from NTPC. This vested interest discloses that the instant petition is not filed to vindicate any larger public cause, but only to advance the petitioner's own business agenda. In fact, the pleadings suffer from a fundamental defect inasmuch as there is no disclosure of authorization in the body of the petition. Only at the last stage has a purported authorization been annexed, which appears to be an afterthought and cannot cure the inherent lack of locus standi.

8. He further argued that Annexure P/4 (at page 35 of the petition) itself nails the true motive of the petitioner. In the said letter addressed to the Sub-Divisional Magistrate, Bilaspur, the petitioner specifically seeks priority for “regional transporters” and fixation of “reasonable freight rates” in respect of the gravel transportation work of NTPC Sipat. This makes it abundantly clear that the grievance is rooted in private trade rivalry and competitive business interest, rather than any concern for public safety or rule of law.

Not only this, the petitioner’s conduct also disentitles him from invoking the equitable jurisdiction of this Court. The petitioner has a history of creating law and order disturbances in the area, on account of which an FIR was duly registered against him on 11.07.2025 in Police Station Sipat, District- Bilaspur for the offences punishable under Sections 191(2), 126(2), 296 and 351(2) of the IPC by one Gangadhar Suryavanshi, Supervisor of Navkar Global. A litigant who approaches this Court with such antecedents and with demonstrable personal gain as the motive cannot be permitted to misuse the extraordinary remedy of Public Interest Litigation. The present petition, therefore, is liable to be dismissed at the threshold as an abuse of process of law. Copy of the FIR has been produced during the course of argument, which is taken on record.

9. Having considered the rival submissions of the learned counsel for the parties and gone through the record, it is relevant to

mention that it is the duty of this Court to ensure that there is no personal gain, private motive and oblique notice behind filing of PIL. In order to preserve the purity and sanctity of the PIL, the Courts must encourage genuine and bonafide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

10. The Courts should, prima facie, verify the credentials of the petitioner before entertaining a PIL. It is also well settled that the Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation. The Courts should ensure the jurisdiction in public interest is invoked for genuine purposes by persons who have bona fide credentials and who do not seek to espouse or pursue any extraneous object. Otherwise, the jurisdiction in public interest can become a source of misuse by private persons seeking to pursue their own vested interests.
11. The petitioner has not disclosed its credentials and there is no disclosure of authorization in the body of the petition. Only at the last stage has a purported authorization been annexed, which appears to be an afterthought and cannot cure the inherent lack of locus standi. Though it has been pleaded that there is no personal gain or motive other than the public interest in filing the present petition, the locus of the petitioner-Transporter has also not been

explained or disclosed in the present PIL. Instead, an application being IA No. 1/2025, seeking leave for waiver of locus standi, has been filed.

12. Further, the absence of proper authorization in the pleadings, the petitioner's own letter (Annexure P/4) demanding priority for regional transporters and fixation of freight rates, and his involvement in law and order problems culminating in registration of an FIR on 11.07.2025 in Police Station Sipat, District- Bilaspur for the offences punishable under Sections 191(2), 126(2), 296 and 351(2) of the IPC by one Gangadhar Suryavanshi, Supervisor of Navkar Global, collectively establish mala fides and an oblique motive. Further, W.P.(PIL) No.37/2024 is already pending before this Court wherein the very issue raised in the present petition is under active consideration, and this Court has even taken suo motu cognizance in the matter. In spite of the same, the petitioner has chosen to file the present PIL, which, when read in the light of the allegations contained in the FIR, unmistakably shows that the present petition has been filed not in pursuit of any genuine public cause but only to secure his personal gain.
13. A Division Bench of the Allahabad High Court, in the case of **Gurmet Singh Soni Vs. State of U.P. and others** : *2021 (5) ADJ 409*, noticing the decision of the Apex Court in **State of Uttaranchal Vs. Balwant Singh Chaufal & Ors.**, *2010 AIR SCW*

1029 and other judgments of the Apex Court on the issue, has dismissed the public interest litigation.

- 14.** 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.”

- 15.** 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.”

16. 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.

- 17.** In light of the above submissions, it is contended that the present writ petition deserves outright dismissal as it is not a bona fide Public Interest Litigation but a self-serving attempt to advance the commercial interests of the petitioner, who is himself a transporter seeking to secure NTPC's transportation work. The absence of proper authorization in the pleadings, the petitioner's own letter (Annexure P/4) demanding priority for regional transporters and fixation of freight rates, and his involvement in law and order problems culminating in registration of an FIR on 11.07.2025 in Police Station Sipat, District- Bilaspur for the offences punishable under Sections 191(2), 126(2), 296 and 351(2) of the IPC by one Gangadhar Suryavanshi, Supervisor of Navkar Global collectively

establish mala fides and an oblique motive.

18. It is revealed from the abovementioned First Information Report lodged by the one Gangadhar Suryavanshi, that on 10.07.2025 at about 11:00 p.m., while his vehicles were engaged in transportation of gravel from NTPC, Sipat, a group of persons including Shatrughan Laskar, Hemant Yadav, Krishna Yadav, Ashish Soni, Kallu Jaiswal, Saurabh Jaiswal, Santosh Sahu, Jitendra Laskar, Ashish Verma, Ashutosh Yadav and others, in active connivance with drivers of vehicles bearing Nos. CG 10 BW 3450, CG 10 BS 7750, CG 10 BT 9250 and CG 10 BT 8149, unlawfully obstructed the passage of the vehicles, abused and threatened the drivers and their helpers, deflated the tyres of the vehicles, and further extended threats to kill them for transporting gravel from NTPC. On the basis of these allegations, the offences under the relevant provisions of the Bharatiya Nyaya Sanhita were registered against the accused persons.
19. The allegations contained in the First Information Report against the petitioner, clearly demonstrate that there exists a private dispute relating to transportation of gravel from NTPC, Sipat. The petitioner, along with others, had unlawfully obstructed the vehicles engaged in such transportation, abused the drivers and their helpers, deflated the tyres of the vehicles and extended threats of dire consequences. These facts reveal that the petitioner is himself directly involved in the controversy and, therefore, the instant petition styled as a Public Interest Litigation

is nothing but an attempt to further his personal interest under the guise of public cause. Such misuse of the process of law cannot be countenanced.

20. Considering the above facts and circumstances, it is evident that the issue sought to be raised in the present writ petition is already engaging the attention of this Court in W.P.(PIL) No.37/2024, wherein suo motu cognizance has also been taken by this Court. Further, the material placed on record, including the allegations in the FIR, clearly indicates that the petitioner is personally embroiled in disputes arising out of gravel transportation from NTPC, Sipat. The petitioner has also failed to disclose the fact of the FIR registered against him, thereby suppressing material facts which go to the root of the maintainability of the petition. Thus, the present petition is nothing but a motivated attempt to pursue a personal vendetta under the garb of public interest litigation. Such conduct amounts to misuse of the extraordinary jurisdiction of this Court.
21. This Court, in exercise of its extraordinary jurisdiction, cannot be reduced to an arena for private disputes or trade rivalry under the cloak of public interest. As repeatedly emphasized by the Hon'ble Supreme Court in **Balwant Singh Chaufal** (supra) and in **J.H.S. Chowdhary** (supra), a Public Interest Litigation must be filed with clean hands and genuine intent to protect the public cause, failing which it amounts to abuse of process of law. The present petition squarely falls within the latter category.

- 22.** Accordingly, this petition is liable to be dismissed and is hereby **dismissed** at the threshold with exemplary costs of Rs.50,000/- to be deposited in the Registry of this Court and the same shall be transmitted to the Specialized Adoption Agency (SAA), Gariyaband (C.G.) and Specialized Adoption Agency (SAA), Bhaod (C.G.) so as to deter such frivolous, motivated and self-serving litigations which amount to gross misuse of the process of law and actuated by personal gain and private motive rather than any genuine public interest, failing which, the Registrar (General of the High Court) shall take further steps to recover the same as arrears of land revenue by issuance of Revenue Recovery Certificate from the petitioner.
- 23.** The security amount deposited by the petitioner stands forfeited.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Headnote

“In a Public Interest Litigation, when the petitioner is himself a party to disputes concerning the subject matter, and the same issue is already seized by the Court in another PIL including suo motu cognizance, the subsequent petition cannot be regarded as a bona fide public cause. Such a petition, being tainted with personal motive and vendetta, is liable to be dismissed with exemplary costs.”