



2025:CGHC:15389-DB

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPPIL No. 41 of 2025**

- 1** - Bilaspur Lokhit Sanskritik Seva Samiti, Malhar (A Registered Cultural Organization Working For The Preservation And Promotion Of Heritage And Culture In Malhar, Bilaspur, District - Bilaspur Chhattisgarh)
- 2** - Hemat Tiwari S/o Kamla Kant Tiwari Aged About 42 Years Through Its President Bilaspur Lokhit Sanskritik Seva Samiti Malhar, District - Bilaspur Chhattisgarh
- 3** - Rajesh Patel S/o Sonau Ram Aged About 50 Years Through Its Vice-President Bilaspur Lokhit Sanskritik Seva Samiti Malhar, District - Bilaspur Chhattisgarh
- 4** - Krishna Kumar Sahu S/o Guha Ram Sahu Aged About 48 Years Treasurer, Bilaspur Lokhit Sanskritik Seva Samiti Malhar, District - Bilaspur Chhattisgarh
- 5** - Bahoran Kaivart S/o Ghashi Ram Aged About 50 Years Member, Bilaspur Lokhit Sanskritik Seva Samiti Malhar, District - Bilaspur Chhattisgarh

**... Petitioners**

**versus**

- 1** - State Of Chhattisgarh Through Chief Secretary, Secretariat, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
- 2** - The Director, Department Of Culture And Official Language, Government Of Chhattisgarh
- 3** - The Collector Bilaspur, District - Bilaspur Chhattisgarh

**4** - Sub-Divisional Officer (Revenue) Masturi, District - Bilaspur Chhattisgarh

**5** - Tahsildar Masturi, District - Bilaspur Chhattisgarh

**... Respondents**

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For Petitioners	: Mr.Prem Prakash Tiwari and Mr.Ankit Singh, Advocates
For	: Mr.Yashwant Singh Thakur, Additional
Respondents/State	Advocate General

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**Hon'ble Mr. Ramesh Sinha, Chief Justice**

**Hon'ble Mr.Arvind Kumar Verma, Judge**

**Order on Board**

**Per Ramesh Sinha, Chief Justice**

**2.4.2025**

1. Heard Mr.Prem Prakash Tiwari and Mr.Ankit Singh, learned counsel for the petitioners. Also heard Mr. Yashwant Singh Thakur, learned Additional Advocate General, appearing for the respondents/State.

2. The present writ petition (PIL) has been filed by the petitioners with following reliefs:

*“(i) That, the Hon'ble Court may kindly be pleased to direct the respondent state authorities to take appropriate action or, issue an appropriate writ, order, or direction directing the respondent authorities to immediately release the sanctioned 20 lakh to Bilaspur Lokhit Sanskritik Seva Samiti, Malhar, for the smooth organization of Malhar Mahotsav 2024-25 in the interest of justice.*

*(ii) To restrain the Collector's office from interfering with the festival's management and allow the petitioners' organization, as per past practices, to conduct the event., in the interest of justice.*

*(iii) 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.** Facts of the case are that the petitioner is a erstwhile President of Bilaspur Lokhit Sanskritik Seva Samiti, Malhar (A registered cultural organization working for the preservation and promotion of heritage and culture in Malhar, Bilaspur, District Bilaspur. By way of this public interest litigation, the petitioners are seeking emergent and appropriate direction to the respondent State authorities to take appropriate steps to release the amount sanctioned by the State Government for Malhar Mahotsav. The petitioners are filing this Public Interest Litigation (PIL) in the interest of protecting and preserving the historical and cultural significance of "Malhar Mahotsav", which has not been organized for the past six years due to financial constraints.

**4.** The Hon'ble Chief Minister of State of Chhattisgarh during his visit to Bilaspur on November 23, 2024, at Arpa River View, publicly announced to increase the grant for "Malhar Mahotsav" from Rs.5 lakhs to Rs.20 lakhs to support the festival's revival. The Central Minister for Housing & Urban Affairs recommended the enhancement of the festival's grant based on the demand submitted by the petitioners.

Consequently, the Department of Culture and Official Language, Chhattisgarh, issued a sanction letter (No. 4311) dated 20.01.2025, but despite the allocation, the grant has not yet been disbursed to the petitioners' organization, citing reasons related to the enforcement of the Model Code of Conduct (MCC) due to local body elections. Since the elections have been concluded and the MCC has been lifted, there is no valid reason for withholding the sanctioned amount. However, the respondent No. 3 has taken no action to release the amount to the organization, thereby jeopardizing the timely execution of "Malhar Mahotsav" scheduled for March 29, 30, and 31, 2025 and instead of disbursing the grant to the organization, the Collector's office is contemplating direct control over the festival, which is against established practices and past precedents, where the cultural committee has been entrusted with organizing the festival.

**5.** The denial of the rightful disbursement of funds violates the petitioners' legitimate expectations and the constitutional rights guaranteed under Articles 14 and 19 of the Constitution of India and any delay in releasing the funds will irreparably damage the festival's organization and undermine the cultural heritage of Malhar, a site of immense historical significance in Chhattisgarh. Hence this petition.

**6.** Learned counsel for the petitioners submit that it is the duty of the State to protect and improve the cultural programme of the State and also to protect the legal and constitutional rights of the citizens of the country. The inaction on the part of the respondent authorities resulting

irreparably damage the public of Malhar and undermine the cultural heritage of Malhar, a site of immense historical significance in Chhattisgarh. They further submit that the respondent authorities are also under an obligation to maintain the records of funds in their office and in this regard the Additional Collector, Bilaspur has send a letter to the Secretary, State of Chhattisgarh and in the present case the petitioner has given number of representation to the respondent authorities, but till date no action has been taken by them. He contended that the fund sanctioned by the Government is already received by the respondent authorities and as the date of festival "Malhar Mahoshav" is scheduled for March 29, 30, and 31, 2025 and if the fund sanctioned by the Government is not released in time, it will lapse and of no use.

7. On the other hand, learned Additional Advocate General appearing for the respondents/State opposes the submissions made by learned counsel for the petitioners and submits that it is not a public cause, it is a private agenda and private motive of the petitioners, which cannot be termed as a public interest litigation and by way of this public interest litigation, the petitioners are seeking for release of fund of Rs.20 lakhs in their favour as petitioner No.1 is erstwhile President of the said Samiti and other petitioners are also part of the said samiti and it is the case of the petitioners that on their request, the Hon'ble Chief Minister of the State has increased the amount from Rs.5 lakhs to Rs.20 lakhs for 'Malhar Mahotsav'. As such, no public interest is involved in the present case. He further submits that PILs primarily germinated in the idea of providing access to justice to all, especially those deemed by society to

be voiceless. It liberated the concept of locus standi and ensured that their needs and grievances did not go unaddressed.

8. We have heard learned counsel for the parties and perused the documents appended with writ petition (PIL).

9. The Court cannot allow its process to be abused for oblique purposes, as was observed by the Hon'ble Supreme Court in the matter of **State of Uttaranchal vs. Balwant Singh Chaufal & Others**, reported in **(2010) 3 SCC 402**. The Hon'ble Supreme Court in **Balwant Singh Chaufal** (supra) states as to how this important jurisdiction, i.e., Public Interest Litigation 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. 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. The Courts should, prima facie, verify the credentials of the petitioners before entertaining a PIL.

**11.** 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 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.

**12.** The Courts, while exercising jurisdiction and deciding a public interest litigation, have to take great care, primarily, for the reason that wide jurisdiction should not become a source of abuse of process of law by the disgruntled litigant. Such careful exercise is also necessary to ensure that the litigation is genuine, not motivated by extraneous considerations and imposes an obligation upon the litigant to disclose true facts and approach the Court with clean hands. Thus, it is imperative that the petitions, which are bona fide and in public interest alone, be entertained in this category. Abuse of process of law is essentially opposed to any public interest. One who abuses the process of law, cannot be said to serve any public interest, much less, a larger public interest.

**13.** We are not satisfied that this is a genuine petition filed in public

interest so as to invoke the jurisdiction in the public interest under Article 226 of the Constitution of India.

**14.** Considering the above facts and circumstances of the case, further considering that it is not a public cause, it is a private agenda and private motive of the petitioners, which cannot be termed as a public interest litigation and also considering that PILs primarily germinated in the idea of providing access to justice to all, especially those deemed by society to be voiceless and not for private cause or for private agenda/motive, we do not find any good ground for interference, accordingly, the present PIL is **dismissed**. The security amount deposited by the petitioners stands forfeited.

Sd/-

**(Arvind Kumar Verma)**  
**Judge**

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**

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