

GAHC010033592024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/13/2024

PRADIP BARUAH

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM DEPARTMENT OF AGRICULTURE, DISPUR GUWAHATI 06

2:DIRECTOR
DIRECTORATE OF HORTICULTURE AND FOOD PROCESSING
KHANAPARA
GUWAHATI 22

3:JAIN IRRIGATION SYSTEM LTD.
JALGAON
MAHARASTRA

4:PREMIER IRRIGATION ADRITEC PVT. LTD
17/1C
ALIPORE ROAD
KOLKATA 27

5:MOHIT INDIA
F21-D
RIICO INDUSTRIAL AREA
BHIWANDI DIST ALWAR
RAJASTHAN 301019

6:NEWTON PIPI INDUSTRIES

VILLAGE MEYAR
PO KALARY
NOORSARI (NALANDA) BIHAR 803113

7:OASIS IRRIGATION EQUIPMENT CO. LTD.
P-6 SCHEME VI
M(S) CIT
KOLKATA 700054.

8:BHUMI POLYMERS PRIVATE LTD.
KRISHNA IND. AREA NH-27
VERAVAL(SHAPER)
DIST. RAJKOT
GUJRAT 360024

9:SRM PLASTOCHEM PVT. LTD.
E-27
NEAR AHLUWALIA MALL
INDUSTRIAL ESTATE
KOTA
RAJASTHAN
324007

10:HALLMARK AQUAEQUIPMENT PVT. LTD.
208 RAS BEHARI AVENUE
2ND FLOOR
KOLKATA 7000294
PREMIER IRRIGATION ADRICTEC PVT. LTD. 17/1C ALIPORE ROAD
KOLKATA 27

11:ANNAPURNA INDUSTRIES
C2
SRI RAM NAGAR
NEAR TV TOWER RAIPUR
(CG)

12:NETAFIM IRRIGATION INDIA PVT. LTD.
268-270
271BGIDC
MANJUSAR
TAL. SALVI
DIST VODODATA
GUJRAT 391775

13:PAWAN POLYTEX PVT. LTD
F-20RIICO INDUSTRIAL AREA
NOKHA
BIKANER

RAJASTHAN
334803

14:SIGNET INDUSTRIES LTD.
SDA COMPOUND
DEWAS NAKA
LASUDIA MORI
MP 45201

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent : SC. AGRICULTURE

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

21.02.2024

(Vijay Bishnoi, CJ)

This writ petition, in the form of public interest litigation, is filed by the petitioner essentially raising a concern that there is rampant corruption in implementation of the Central Government funded schemes such as Pradhan Mantri Krishak Sinchayee Yojana – Per Drop More Crop (PMKSY-PDMC).

It is the case of the petitioner that though in respect of the corruption activities in which the Government officials and the private entities are involved, he has already approached the Hon'ble Chief Minister of Assam and to the Superintendent of Police, Chief Minister's Vigilance Cell as well as the Officer-in-Charge of Mayong Police Station by submitting an application for registration of F.I.R., but nothing has been done by the respondent Government and therefore, a writ be issued to the respondents to initiate proceedings against the corrupt officials as well as other persons involved in corruption in

implementation of the above referred schemes.

Having heard the petitioner appearing in person and after going through the materials available on record, we are of the view that if the petitioner is complaining about commission of a cognizable offence and his attempt to register an F.I.R. with the police has not fructified, it is always open for the petitioner to file appropriate complaint before the concerned Judicial Magistrate as per the provisions of Section 156(3) of the Cr.P.C.

So far as regarding the allegations levelled by the petitioner in this writ petition, we are of the firm view that this Court is not equipped for conducting an enquiry into the allegations regarding corruption in the Government schemes and the proper course of action for the petitioner is to approach the Criminal Court for registration of a criminal case regarding the commission of a cognizable offence.

In view of the above, we do not find any good ground for issuing a writ of mandamus. Hence, this writ petition is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant