



2026:CGHC:21346-DB

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPPIL No. 26 of 2026**

Sushant Gautam S/o Shri B.P. Gautam Aged About 34 Years  
Occupation -Journalist R/o Times Square Office No. 512th Floor, Atal  
Nagar, Nawa Raipur, District -Raipur (C.G.)

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

State Of Chhattisgarh Through The Chief Secretary Mahanadi Bhawan,  
Naya Raipur District -Raipur (C.G.)

**... Respondent(s)**

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For Petitioner(s) : Mr. Siddharth Rathod, Advocate

For Respondent(s) : Mr. Praveen Das, Add. A.G.

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**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. Siddharth Rathod, learned counsel for the petitioner.  
Also heard Mr. Praveen Das, learned Additional Advocate General  
appearing for respondent/State.
2. The present petition has been filed by the petitioner with the



following relief(s):-

*“10.1) This Hon'ble Court may kindly be pleased to call the entire records of the case for its kind perusal in the ends of justice.*

*10.2) This Hon'ble Court may be please to direct the respondent /State Government to direct the respondent to perform their statutory duty as prescribed under section 17A of the Prevention of Corruption Act, 1988 and decide the requisition/applications by the police officers/investigating agency in accordance with law within any stipulated time frame as this Hon'ble court may deem fit and necessary under the facts and circumstances of the case and in the interst of justice.*

*10.3) Cost of the petition may also be granted to the petitioner.*

*10.4) Any other relief which this Hon'ble court may deem fit in the ends of justice, equity and good conscience shall be granted to petitioner.”*

3. Mr. Siddharth Rathod, learned counsel appearing for the petitioner would submit that the petitioner is a journalist working in a newspaper styled as “*Jan Samvad Today*” and a public spirited citizen, who has approached this Court being aggrieved by the inaction of the respondent/State authorities in deciding the requisitions/applications sent by the investigating agencies seeking previous approval under Section 17A of the Prevention of



Corruption Act, 1988 for proceeding with enquiry and investigation against various government officials against whom offences under the Prevention of Corruption Act, 1988 have been registered.

4. Brief facts of the case are that the present Public Interest Litigation has been filed alleging that in the State of Chhattisgarh numerous FIRs/crimes have been registered against several government officials under the provisions of the Prevention of Corruption Act, 1988 for offences allegedly committed by them while discharging their official duties. It is alleged that although requisitions seeking previous approval under Section 17A of the Prevention of Corruption Act, 1988 have been forwarded by the police authorities/investigating agencies to the State Government, no decision has been taken upon such requisitions despite lapse of substantial time. According to the petitioner, due to non-grant of approval, the investigating agencies are unable to proceed further with enquiry/investigation, resulting in delay in filing of charge-sheets or closure reports before the competent Courts. It is further alleged that the continued inaction on the part of the State Government has virtually stalled the criminal justice delivery system in relation to corruption cases and has resulted in destruction of evidence, possibility of witness tampering, and undue protection being extended to accused public officials. The petitioner submits that representations were also preferred before the competent authorities requesting them to discharge their statutory obligations under Section 17A of the Prevention of



Corruption Act, 1988, however, no effective action has been taken, compelling the petitioner to invoke extraordinary jurisdiction of this Court.

5. Learned counsel for the petitioner submits that once requisition seeking previous approval under Section 17A of the Prevention of Corruption Act, 1988 is submitted by the investigating agency, the State Government is under statutory obligation to take a decision within a reasonable period so that investigation may proceed in accordance with law. He submits that due to prolonged and unexplained delay by the State authorities in deciding such requisitions, the investigating agencies have been rendered helpless and handicapped, as they cannot legally proceed further with enquiry and investigation against the accused officials. It is further submitted that such inaction defeats the very object and purpose of the Prevention of Corruption Act, 1988, which has been enacted to curb corruption in public administration and ensure accountability of public servants. Learned counsel would further submit that due to delay in granting approval there exists every possibility of destruction or tampering of documentary and electronic evidence and influencing of witnesses, thereby seriously prejudicing the administration of criminal justice. It is also contended that the issue regarding pendency of approvals under Section 17A of the Prevention of Corruption Act was even raised before the Vidhan Sabha of the State and the list of such pending cases was placed before the House, which clearly



demonstrates the magnitude and seriousness of the issue involved.

6. Learned counsel for the petitioner lastly submits that despite repeated representations and reminders submitted before the respondent authorities requesting them to discharge their statutory obligations, no decision has been taken on the pending requisitions. According to him, the continued inaction on the part of the State authorities raises a serious apprehension of arbitrariness, mala fide exercise of power, and an attempt to shield accused public officials from the process of law. It is thus prayed that appropriate directions be issued to the respondent/State authorities to decide all pending requisitions/applications seeking approval under Section 17A of the Prevention of Corruption Act, 1988 within a stipulated time frame in accordance with law.
7. On the other hand, learned State counsel would oppose the petition and submit that the present Public Interest Litigation is founded upon vague and omnibus allegations without placing specific material regarding individual cases where approvals are allegedly pending. It is submitted that the grant of previous approval under Section 17A of the Prevention of Corruption Act, 1988 involves administrative scrutiny and examination of records by the competent authorities and therefore reasonable time is required for taking an appropriate decision in accordance with law. He would further submit that the petitioner seeks a generalized



direction in relation to various cases involving different factual backgrounds and circumstances, which cannot be adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution of India. It is also submitted that the petitioner has failed to establish any specific legal injury or infringement of enforceable rights and has merely raised generalized grievances relating to functioning of the administration. Learned State counsel further submits that wherever requisitions are pending, the competent authorities shall take appropriate decisions in accordance with law and therefore no interference is warranted by this Court in exercise of extraordinary writ jurisdiction

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 petitioner seeks issuance of generalized directions to the State Government for disposal of requisitions/applications seeking previous approval under Section 17A of the Prevention of Corruption Act, 1988 in relation to various corruption cases registered against different public officials. However, the question as to whether approval ought to be granted or refused in a particular case necessarily depends upon examination of facts, records, materials collected during



preliminary enquiry, administrative considerations, and satisfaction of the competent authority under the statutory scheme.

9. This Court cannot, in exercise of writ jurisdiction, enter into the arena of administrative decision-making by issuing sweeping directions in relation to all pending matters without examining the factual matrix of each individual case. The allegations made by the petitioner regarding mala fide intention, shielding of accused officials, destruction of evidence, and abuse of process are broadly worded allegations unsupported by cogent material establishing deliberate or intentional inaction on the part of the respondent authorities in any particular case. The pleadings are founded primarily upon assumptions, newspaper reports, and generalized allegations against the State machinery without any concrete factual foundation warranting exercise of PIL jurisdiction.
10. The Hon'ble Supreme Court in ***Centre for Public Interest Litigation v. Union of India, reported in 2026 INSC 55*** has reiterated the scope and object underlying Section 17A of the Prevention of Corruption Act, 1988 and upheld the constitutional validity of the said provision while emphasizing that the requirement of prior approval is intended to protect honest public servants from frivolous, vexatious, and motivated inquiries relating to decisions taken in discharge of official duties. The Hon'ble Supreme Court further observed that possibility of abuse of the provision cannot by itself be a ground to presume illegality or



invalidate the statutory mechanism contemplated under Section 17A of the Act.

11. It is also relevant to note that the proviso to Section 17A itself prescribes that the competent authority shall endeavour to convey its decision ordinarily within a period of three months, extendable by one month for reasons to be recorded in writing. However, merely because in certain cases approvals may be pending consideration, this Court cannot issue omnibus directions in a PIL directing the executive authorities to decide all pending requisitions in a particular manner or within a judicially prescribed framework without examining the individual facts and circumstances of each case.
12. The Courts cannot allow its process to be abused for oblique purposes, as was observed by the Supreme Court Court in ***Ashok Kumar Pandey v. State of West Bengal***, reported in (2004) 3 SCC 349. In ***Balwant Singh Chaufal*** (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 Chaufal*** (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.”*

13. 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 trumpery 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.”*

14. 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 Chauhal*, 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.

15. In the considered opinion of this Court, the present petition appears to be more in the nature of a “Publicity Interest Litigation” than a genuine Public Interest Litigation. The petitioner has failed to place on record any specific instance demonstrating deliberate inaction, mala fide exercise of power, or statutory violation by the competent authorities in any identified case. No particulars regarding the exact pendency period, nature of allegations, stage of proceedings, or prejudice caused in individual matters have been furnished before this Court. Constitutional Courts exercising PIL jurisdiction cannot act upon speculative apprehensions and generalized allegations lacking foundational facts.
16. It is further evident that the authorities competent to grant approval under Section 17A of the Prevention of Corruption Act, 1988 are required to examine records, administrative materials, and the nature of allegations on case-to-case basis before arriving at a decision in accordance with law. Such exercise squarely falls within the executive domain and this Court, in absence of



exceptional circumstances, cannot assume the role of a supervisory authority over the entire administrative mechanism concerning grant or refusal of approval under Section 17A of the Act.

17. Furthermore, except making broad allegations regarding alleged paralysis of the criminal justice system and alleged protection being granted to accused officials, the petitioner has failed to place any cogent and reliable material substantiating such serious allegations. PIL jurisdiction cannot be invoked on the basis of conjectures and assumptions. Constitutional remedies under Article 226 are intended to redress genuine public injury supported by substantial material and not to entertain roving inquiries into administrative functioning.
18. Accordingly, this Court is not inclined to entertain the present petition and the same is hereby **dismissed**.
19. The security amount deposited by the petitioner stands forfeited.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice