

Court No. - 2

Case :- P.I.L. CIVIL No. - 15130 of 2020

Petitioner :- Krishan Kanhaya Pal (In Person)

Respondent :- U.O.I. Thru. Secretary Home Affairs Ministry, New Delhi & Ors.

Counsel for Petitioner :- Krishan Kanhaya Pal

Counsel for Respondent :- A.S.G.

Hon'ble Pankaj Mithal, J.

Hon'ble Rajeev Singh, J.

Heard Shri K.K. Pal, in person who is a practising lawyer of this Court, Shri J.N. Mathur Senior Counsel appearing for the respondent no.5 along with Shri Chandra Shekhar Sinha & Shri Savitri Vardhan Singh and learned counsel for respondent nos. 1 & 2.

Shri J.N. Mathur, Senior Counsel has raised a preliminary objection that the present petition is not a public interest litigation but a petition for seeking publicity inasmuch as, it has come in public domain even before it was presented or filed in Court. The respondent no.5 got it downloaded from the website www.livelaw.in much before it was officially filed.

The petitioner/counsel submits that he has filed the petition in the normal course after serving notice upon the counsel for U.O.I. and he is not aware how the petition has come in public domain even before it was presented in the Court.

Learned counsel for U.O.I. submits that the notice of this petition was sent to Shri S.B. Pandey, Assistant Solicitor General via e-mail. He is hospitalized due to Covid-19. He had not opened his e-mail account. Thus, there is no possibility of the petition escaping from his office or the system.

In view of the aforesaid facts and circumstances, it is apparent that the petitioner has invoked the writ jurisdiction of the Court for gaining unwarranted publicity in the garb of public interest. The proposed filing of the petition was publicised in social media even before it was filed or any order was passed on it only with the oblique motive of publicity.

It is settled by various pronouncements of the apex court that public interest litigation is for making basic human rights meaningful to the deprived and vulnerable sections of the community and to assure them social, economic and political justice. The petitioner does not belong to the deprived class and is not seeking any basic human rights through this petition.

It is also well recognised that the person approaching the court in public interest inter alia must be a bonafide person and should not be a person seeking any personal benefit and that the petition is not politically motivated or is with oblique motives.

It is pertinent to note that it is becoming a practice to gain publicity by filing petitions on sensitive issues so that it becomes a topic of discussion in public knowing fully well the ultimate result. Thus, publishing of any material proposed to be brought before the courts before it is actually filed is not a healthy practice rather an abuse of the process. It unnecessarily at times may prejudice the minds of the Judges. The media is supposed to play a responsible role in undertaking any such pre litigation publication and ought to avoid it.

In view of the aforesaid facts and circumstances, we are satisfied that the petitioner has not approached this Court with clean intentions in public interest rather for the oblique purpose of seeking cheap popularity and publicity. This Court thus in exercise of extraordinary jurisdiction do not deem it necessary to entertain any litigation for the purposes of publicity alone. Accordingly, we refuse to exercise our discretionary jurisdiction on the above count and the same is **dismissed**.

Order Date :- 18.9.2020

SK/-