

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 25 of 2026**

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DR. VILAS TUKARAM KHARAT  
Versus  
THE UNION OF INDIA & ORS.

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**Appearance:**

MR MIREN PRIYADARSHI(11023) for the Applicant(s) No. 1  
MS RATNA VORA(2251) for the Applicant(s) No. 1  
MR. GURSHARAN H.VIRK, LD.GP WITH MS. DEVANSHEE N. KARIEL,  
ADVOCATE WITH MS. DHARITRI PANCHOLI, AGP for the Opponent(s) No.  
4,5,6,7  
MS. PRUTHA BHAVSAR, ADVOCATE FOR MR ANKIT SHAH(6371) for the  
Opponent(s) No. 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE  
SUNITA AGARWAL  
and  
HONOURABLE MR. JUSTICE D.N.RAY**

**Date : 25/06/2026**

**ORAL JUDGMENT**

**(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA  
AGARWAL)**

1. This is a wholly misconceived Public Interest Litigation filed by a person who is resident of State of Maharashtra. The assertion made in the Public Interest Litigation about credentials of the petitioner are that the petitioner is a scholar who has done Ph.D. in Marathi Language from Dr.Baba Saheb Maharashtra University and is founder member of (.....blank) and, at present, he is associated with a N.G.O. called Sanatan Dhamm. There is, thus, no disclosure in this Public Interest Litigation about the actual occupation/profession of the petitioner to earn his livelihood. The name of N.G.O. with

which the petitioner claim to be associated is not supported by any material on record nor the petitioner has filed the present petition as a representative authorized by the said N.G.O., as is evident from the array of the parties itself.

2. The assertions in the writ petition are that the Union of India controls Archaeological Survey of India namely the respondent No. 2 and the respondent No. 2 is a Government of India organization under the Ministry of Culture and perform public function and excavation, monuments. etc. The further contention that the respondent No. 7 is a statutory Trust declared by law known as Shree Somnath Trust Act, 1955 is absolutely false.

3. Mr.G. H. Virk, learned Government Pleader appearing for the State - respondent would vehemently submit that there is no such enactment on any statute book.

4. The further statement in the petition that the Trust includes Hon'ble Prime Minister of India and higher Government officials as trustees and it performs public ritual

and administrative functions though it does not fall under Article 12 of the Constitution of India is without any basis. The contention in the writ petition that the litigation cost including the advocates fee and traveling expenses are borne by the petitioner himself cannot be ascertained in absence of the disclosure of petitioner's occupation/work/profession.

5. The further contentions made in the writ petition are about the activities of the Trust and the historical value of the temple. The assertions in the writ petition are that in the interest of history, archaeological and national heritage the scientific survey done by IIT, Gandhinagar and reported on 26.06.2017, is required to be placed in public domain.

6. As stated in the writ petition, the source of the information of the facts pleaded therein, is the news clips i.e print media as well as social media. The petitioner further states that he has made representation on 30.03.2026 before the Secretary, Ministry of Culture, Government of India, New Delhi and pray in the writ petition as under:-

*“(a) Issue an appropriate writ, order or direction, directing the respondent to place in public domain the scientific archaeological survey report (32 pages), ground penetrating radar (GPR) survey, records, findings, maps, structural analysis, photographs, videography and all the related documents prepared by I.I.T Gandhinagar and Archaeological Department of India concerning the Somnath Temple Site.*

*(b) Issue an appropriate writ, order or direction, directing the respondents to preserve and protect all archaeological records, scientific materials, structural findings and historical data relating to the Somnath Temple site and adjoining area.*

*(c) Direct the respondents to ensure that archaeological and scientific material concerning monuments of national importance is preserved in accordance with law and made accessible for academic and historical research to lawful restrictions.”*

7. The contentions made in the writ petition that all information disclosed therein are based on some news items, published in the print media as well as information on social media, are sufficient to dismiss the writ petition outrightly, inasmuch as, none of the statements made in the writ petition can be verified by the petitioner being true to his personal knowledge or based on any authentic record or material read over or researched by him.

8. Further, the factual statement made in the paragraph Nos.1 to 6 of the writ petition are not even properly sworn in the affidavit filed by the petitioner as to the source of the information or knowledge of the petitioner.

9. This petition thus, is found to have been filed with incorrect, misleading and distorted facts and being in the nature of Public Interest Litigation cannot be entertained as it would cause damage to the sanctity of the benevolent cause of law of Public Interest Litigation evolved by the Apex Court.

10. It is more than evident that the petitioner herein is an unscrupulous person who has filed the Public Interest litigation with incorrect, incomplete, misleading and distorted facts, evidently with ulterior motives, or to gain undue publicity. For this act of the petitioner in misusing the process of the Court, the present petition is liable to be dismissed with exemplary cost of Rs. 2,00,000/- as per the Rules of the High Court.

11. The cost imposed shall be deposited by the petitioner within a period of three weeks from today with the Registrar General of the High Court, which shall be transmitted to the High Court Legal Services Committee. In case of failure of the petitioner, to deposit the cost within the time given

above, the same shall be liable to be recovered as arrears of Land Revenue.

**(SUNITA AGARWAL, CJ )**

BINA SHAH

**(D.N.RAY,J)**