



2026:AHC:179985-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 1764 of 2026

Shailesh Singh

.....Petitioner(s)

Versus

State of Uttar Pradesh and 3 others

.....Respondent(s)

Counsel for Petitioner(s) : Santosh Kukmar Tiwari

Counsel for Respondent(s) : R.K. Ojha (Sr. Adv.), Ashish Kumar Singh, Sitaram Yadav, Abhinava Krishna Srivastava, C.S.C.

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. Rejoinder affidavit filed today is taken on record.
2. Heard Shri Santosh Kumar Tiwari, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Radha Kant Ojha, learned Senior Counsel assisted by Shri Ashish Kumar Singh and Shri Sitaram Yadav appearing for respondent no. 4.
3. This petition in purported public interest has been filed on **21.07.2026** praying for a writ of certiorari quashing the letter dated **11.12.2015** insofar as it approves the award of tender to respondent no. 4, namely, Marya Forzen Agro Food Products Pvt. Ltd. (in short 'the Company') and quash all agreements and actions taken pursuant thereto. Further relief has been claimed seeking an order/direction so as to hold tender process culminating in letter dated 11.12.2015 as vitiated by fraud, collusion and void. A further direction has been sought to the respondents No. 1 and 2 to conduct a fresh and transparent re-tender with mandatory verification of every bidder's incorporation date, directorship and beneficial ownership against the records of the Ministry of Corporate Affairs and Agricultural and Processed Food Products Export Development Authority (APEDA) with a further direction to the APEDA and the Registrar of Companies, Kanpur to produce certified copies of the complete incorporation, director-appointment and registration records of respondent

no. 4.

4. The petitioner has disclosed his credentials as a public spirited citizen, an investigative journalist and editor of 'Rashtriya Samasya'. It is stated in the petition that he has been consistently engaged in matters affecting larger public interest and has approached constitutional courts on several occasions by instituting public interest litigations concerning issues of governance, environmental protection, public administration and accountability of statutory authorities.

5. As far as reliefs claimed in the petition, statement is that a Public Private Partnership ('PPP') concession relating to the Municipal slaughter house at Mohanpur Thiriya, Bareilly, based upon tender process floated in 2014 was granted in favour of respondent no. 4. The pleadings refer to financial worth of the Company, its date of incorporation, its participation in the tender process and award of contract in the year 2015. The challenge to the same has been laid on the ground that award of the contract/tender being hit by Articles 14, 21 and 300-A of the Constitution of India and being based upon fraud, abuse of process, collusive bidding etc., the same is unsustainable.

6. When the matter came up before the Court on 28.07.2026, respondent no. 4 put in appearance through counsel and filed a short counter affidavit making serious allegations against the petitioner. Submission was made that several aspects had not been disclosed in the petition. Learned counsel for the petitioner was granted time to obtain instructions in the matter by the next date fixed.

7. Today, a rejoinder affidavit has been filed on behalf of the petitioner and learned counsel for the parties have been finally heard.

8. In view of the submissions made on behalf of respondent no. 4 that various facts had not been disclosed by the petitioner, the Court proceeded to consider the same first.

9. Learned Senior Counsel appearing for respondent no. 4 has made submissions that the petition has been filed with an oblique and co-lateral object to unsettle a commercial concession granted more than a decade

ago in favour of the Company. By referring to short counter affidavit, submissions have been made that the petitioner had earlier filed Public Interest Litigation (PIL) No. 1869 of 2024 involving the respondent No. 4, which was dismissed as withdrawn by order dated 21.09.2024, whereafter he filed another Public Interest Litigation (PIL) No. 2186 of 2024 concerning the same matter and this Court, by order dated 18.11.2024, relegated him to avail statutory remedy available before the National Green Tribunal ('N.G.T.').

10. It has further been submitted that the petitioner instituted Original Application No. 1399 of 2024 before the N.G.T. and the same was dismissed as withdrawn on account of certain defects, whereafter he filed another Original Application No. 17 of 2025, in which the Tribunal has not granted any relief to him. Further reference has been made to a Transfer Application (Criminal) No. 361 of 2026 filed by the petitioner before this Court seeking transfer of certain proceedings from one district to another. Submission has been made that the petitioner having not approached this Court with clean hands, rather he is a proxy litigant and has been set up by persons having business rivalry with the Company, therefore, the present petition deserves to be dismissed with exemplary cost. Reference of various decisions of Hon'ble Supreme Court has also been made in the counter affidavit and the orders passed in the above referred cases have also been annexed.

11. Learned counsel for the petitioner, by referring to rejoinder affidavit, has made submissions that although the previous petitions were filed against respondent no. 4, the present petition relates to a fresh cause of action arising from tender process and though earlier proceedings were not intended to be concealed, the same were not indicated in the petition as they were based upon separate facts and events.

12. On merits, submission has been made that finalization of tender process in 2015 in favour of the petitioner being fraudulent, the same be set aside and further reliefs claimed in the petition be also granted.

13. We have considered the submissions made and have perused the material available on record.

14. Apparently, the petitioner has not disclosed in the petition, filing of any previous cases or result thereof, although the same pertain to the same subject matter, i.e. grant of contract/finalization of tender in favour of respondent no. 4 way back in the year 2015. Orders passed in the previous rounds of litigation indicate that Public Interest Litigation (PIL) No. 1869 of 2024 was dismissed for non-compliance of mandatory provisions of Chapter XXII Rule 1 (3-A) of the Allahabad High Court Rules and liberty was granted to file properly constituted petition. In Public Interest Litigation (PIL) No. 2186 of 2024, co-ordinate Bench of this Court took note of the factual aspects of the matter and various proceedings held in relation to respondent no. 4. Ultimately, the petition was disposed of declining to examine the issues sought to be raised and the Court permitted the petitioner to avail remedy before the N.G.T. The order dated 18.11.2024 passed in Public Interest Litigation (PIL) No. 2186 of 2024 reads as under:

“1. Heard Ms. Preeti Singh and Sri Sunkalan Porwal, learned counsel for the petitioner, Sri J.N. Maurya, learned counsel for U.P. Pollution Control Board and Sri Shyam Mani Shukla, learned counsel for the respondent no.2, Nagar Nigam.

2. The instant petition has been filed purportedly in public interest for a direction to the State respondents to take action against the tenth respondent i.e. M/s Marya Frozen Agro Food Products Private Limited for running a slaughter house in gross violation of environmental laws.

3. The tenth respondent is engaged in business of frozen meat products and in connection with the said business it is running a slaughter house in respect of which allegations have been levelled for violation of environmental norms.

4. A closure order was passed by the U.P. Pollution Control Board (U.P.P.C.B.) on 04.07.2024 for violation of provisions of the Water (Prevention and Control of Pollution) Act, 1974. The said order was challenged by the tenth respondent in a writ petition, which was allowed and closure order dated 04.07.2024 was set aside on the ground of violation of principles of natural justice vide order dated 11.07.2024. Thereafter, U.P.P.C.B. passed a fresh closure order on 15.07.2024. It was again subjected to challenge by the tenth respondent by filing a writ petition. During pendency of writ petition, the closure order was revoked by U.P.P.C.B. by order dated 02.09.2024. Consequently, the writ petition filed by the tenth respondent was disposed of by order dated 04.09.2024, as having been rendered infructuous.

5. It is noteworthy that in the said petition, the petitioner herein tried to intervene and also made a request for the said petition being converted into a public interest litigation. However, the said request was not acceded to and in relation thereto, the following observation was made:

"4. Ms. Preeti Singh, Advocate who has filed an application for impleadment on behalf of the applicant, who claims to be a journalist and had earlier initiated some proceedings against the petitioner before the National Green Tribunal at New Delhi, states that this Court should convert this petition into Public Interest Litigation (P.I.L.) as it is a case of connivance between U.P. Pollution Control Board and the petitioner. We are not convinced by this argument. If the applicant seeking impleadment has locus or a cause to maintain a Public Interest Litigation, he can very well file a Public Interest Litigation (P.I.L.) after proper research or approach the National Green Tribunal, as may be permissible under law, but we see no reason to convert this petition, which is in essence an adversarial litigation albeit involving issues of environment, as a Public Interest Litigation (P.I.L.)."

6. It is also noteworthy that the petitioner herein complained regarding the running of the slaughter house by the tenth respondent by filing a petition before National Green Tribunal (N.G.T.), but in the meantime, the order dated 04.07.2024 came to be passed by U.P. Pollution Control Board and therefore, at that stage the N.G.T. did not entertain the petition and it was disposed of as withdrawn with liberty to the petitioner herein to file a fresh petition, if need so arises.

7. Section 29 of the N.G.T. Act 2010 reads as follows:

"29. Bar of jurisdiction-

(1) With effect from the date of establishment of the Tribunal under this Act, no civil court shall have jurisdiction to entertain any appeal in respect of any matter, which the Tribunal is empowered to determine under its appellate jurisdiction.

(2) No civil court shall have jurisdiction to settle dispute or entertain any question relating to any claim for granting any relief or compensation or restitution of property damaged or environment damaged which may be adjudicated upon by the Tribunal, and no injunction in respect of any action taken or to be taken by or before the Tribunal in respect of the settlement of such dispute or any such claim for granting any relief or compensation or restitution of property damaged or environment damaged shall be granted by the civil court."

8. The Water (Prevention and Control of Pollution) Act, 1974 is a piece of legislation included under Schedule-I and therefore, the

Tribunal exercises full jurisdiction in respect of any claim regarding damage to environment on account of violation of the provisions of the said Act. The petitioner had earlier approached N.G.T. with the same grievance but at that time, his petition was not entertained, as in the meantime, closure order was passed by U.P.P.C.B. However, the petitioner was given liberty to approach the N.G.T. again, if need so arises.

9. In the circumstances aforesaid, we are of the opinion that the petitioner has an efficacious alternative remedy available to him before N.G.T., which he can avail.

10. In the circumstances, we decline to examine the issues sought to be raised herein and permit the petitioner to avail the remedy available before N.G.T.

11. The petition stands disposed of accordingly.”

15. We may also refer to Writ–C No. 6643 of 2024 (Marya Frozen Agro Food Products Pvt. Ltd. vs. U.P.P.C.B. and others) filed by respondent no. 4 before Lucknow Bench of this Court assailing orders dated 15.07.2024 and 08.07.2024, which were against it. In the said writ petition, the present petitioner attempted to get himself impleaded and the co-ordinate Bench of this Court declined to permit his impleadment with liberty to the petitioner to file PIL after proper research or approach N.G.T. It was, thereafter, that Writ–C No. 2186 of 2024 was filed, wherein the petitioner was permitted to avail remedy before the N.G.T.

16. It is not in dispute that two Original Applications were filed by the petitioner before the N.G.T., one was dismissed as withdrawn and another is pending, wherein affidavits have been directed to be exchanged and 13.10.2026 is fixed as the next date.

17. We find no good reason to accept the submissions made on behalf of the petitioner that the subject matter of previous cases, either decided or pending, is different from the one involved in the present petition. Apparently, the tender process was finalized in favour of the petitioner 11 years ago in 2015, since whereafter the petitioner has been filing cases after cases so as to cause damage to respondent no. 4. He could not succeed before this Court in three attempts and even the first O.A. filed before the N.G.T. was dismissed as withdrawn and second O.A. is pending.

18. The declaration made in the first paragraph of the petition that '**this is the first petition in respect of the present cause of action or for the reliefs sought therein and that the petitioner has not filed any other PIL/writ petition against the same cause of action**' is apparently false in view of above referred proceedings. The paragraphs of the petition have been sworn on affidavit making a false statement on oath that '**nothing material has been concealed and that no part of this affidavit is false**'.

19. Once we are satisfied that the petitioner has attempted to obtain some order by making concealment of previous proceedings in relation to the same/similar cause of action, we are of the view that the jurisdiction of this Court has been misused and, apparently, the petitioner who is simply a journalist, is acting in a proxy capacity at the instance of some competitor(s) of respondent no. 4.

20. In **Janata Dal vs. H.S. Chowdhary, (1992) 4 SCC 305**, the Hon'ble Supreme Court observed that only a person acting bonafide and having sufficient interest in the proceedings of Public Interest Litigation will alone have a *locus standi* and can approach the Court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or private profit or political motive or any oblique consideration. It was further observed that vexatious petitions under the colour of PIL brought before the Court for vindicating any personal grievances, deserve rejection at the threshold.

21. In **Dr. B. Singh vs. Union of India and others, (2004) 3 SCC 363**, the Hon'ble Supreme Court has held that it would be desirable for the courts to filter out the frivolous petitions and dismiss them with cost so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the Courts. It was also observed that when there is material to show that a petition styled as a Public Interest Litigation is nothing but a camouflage to foster personal disputes or vendetta to bring to terms a person, not of ones liking, or gain publicity or a facade for blackmail, said petition has to be thrown out.

22. In **Buddhi Kota Subbarai (Dr.) Vs. K. Parasaran, (1996) 5 SCC**

530), the Hon'ble Supreme Court has held that no litigant has a right to unlimited drought on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived or frivolous petitions.

23. In **Prestige Lights Limited Vs. State Bank of India, (2007) 8 SCC 449**, the Hon'ble Supreme Court observed that a prerogative remedy is not a matter of course and in exercising extraordinary power, a Writ Court will indeed bear in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the Court, the Court may dismiss the action without adjudicating the matter. It was further observed that the rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of Court by deceiving it and the very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts.

24. In **K.D Sharma Vs. Steel Authority of India Limited and others, (2008) 12 SCC 481**, the Hon'ble Supreme Court has held that no litigant can play "hide and seek" with the courts or adopt "pick and choose" and one should come with candid facts and clean breast. Suppression or concealment of material facts is forbidden to a litigant or even as a technique of advocacy. In such cases, the Court is duty bound to discharge rule *nisi* and such applicant is required to be dealt with for contempt of Court for abusing the process of the court.

25. In view of the above discussion, we find the instant petition a gross misuse and abuse of process of law and the same deserves dismissal with heavy cost so that it may set a deterrent example to discard unscrupulous persons from invoking Writ Jurisdiction for their vested interest under the camouflage of PIL.

26. The petition is, accordingly, **dismissed with cost of Rs. 2,00,000/- (rupees two lac).**

27. The petitioner is directed to deposit the cost with the Legal Services Committee of this Court within **one month** from the date of this order, failing which, respondent No. 4 may move an application before the

Registrar General who will, then, send a copy of this order alongwith his letter to the Collector, Bareilly to issue a recovery citation against the petitioner for recovering the said sum as arrears of land revenue within **one month** from the date of receipt of copy of the order.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

August 25, 2026
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