

**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 1953 of 2023

**Petitioner :-** Mahadev Enterprises Firm And 2 Others

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Hriday Narayan Pandey

**Counsel for Respondent :-** C.S.C.

**Hon'ble Pritinker Diwaker,Chief Justice**

**Hon'ble Ashutosh Srivastava,J.**

Heard Sri Hriday Narayan Pandey, learned counsel for the petitioner in support of the Writ (PIL) and Sri A. K. Goyal, learned Additional Chief Standing Counsel for the State Respondents. None for the Respondent Nos.5 & 6.

The instant writ petition styled as a Public Interest Litigation has been instituted seeking issuance of a Writ of Mandamus commanding the Respondent Authorities to direct the respondents to decide the pending representations of the petitioners dated 08.07.2023 and 09.07.2023. The representation dated 08.07.2023 is addressed to the Chief Secretary, Government of U.P., Lucknow and essentially seeks permission to set up a sugarcane juice dispensing unit at the Kashi Vishwanath Dham premises so as to facilitate the devotees to offer prayer/rudrabhishek using sugarcane juice at nominal prices. The representations dated 09.07.2023 is addressed to the District Magistrate, Varanasi with more or less identical relief.

The Writ (PIL) proceeds on the belief that sugarcane juice offered to the Jyotir Lingam inside the Kashi Vishwanath Temple would benefit the public at large and obliterate poverty. The sugarcane juice so offered to the Jyotir Lingam would be collected and used for preparing Gur products and can also be offered as fodder for cattle. The local farmers who grow sugarcane shall also benefit from such activity.

We have heard learned counsel for the petitioners and have perused the record. From the tenor of the petition before us we find that the cause espoused is not public at all but private. The plea seeks to garner benefit for the petitioners' firm which is engaged in the business of extraction of sugarcane juice.

The Apex Court in the case of ***State of Uttranchal Vs. Balwant Singh Chauhal, reported in 2010 (3) SCC 402*** while dealing with abuse of Public Interest Litigation in para 143 of the judgment observed as under:-

*"161. 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.*

*162. 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."*

Further in the same judgment the Apex Court in order to preserve the purity and sanctity of the Public Interest Litigation issued the following directions:-

*(1) The courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.*

*(2) Instead of every individual judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the Rules prepared by the High Court is sent to the Secretary General of this court immediately thereafter.*

*(3) The courts should prima facie verify the credentials of the petitioner before entertaining a P.I.L.*

*(4) The court should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.*

*(5) The court should be fully satisfied that substantial public interest is involved before entertaining the petition.*

*(6) The court should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.*

*(7) The courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.*

*(8) The court should also ensure that the petitions filed by busybodies for*

*extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.*

In view of the above, this Court being not satisfied by the cause expoused, intended to dismiss the petition imposing a cost of Rs.1 Lac on the petitioners, however, the petitioners counsel sought liberty to withdraw the petition without imposition of any cost.

Considering the fact that the petitioners seek to withdraw the Writ (PIL), however, hoping that the petitioners would mend their ways and would not institute such frivolous petition in future, we **dismiss** the same with cost quantified at Rs.5000/- which the petitioners shall deposit with the Registry of the High Court within three weeks from the date of the order failing which the same shall be recovered as arrears of land revenue. The deposit made by the petitioners before the Registry of this Court shall thereafter be remitted to the High Court Legal Services Committee.

**Order Date :- 25.8.2023**

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**(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)**