

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 58 of 2023**

Mithlesh Kumar

---- Petitioner**Versus**

1. Union of India Through Ministry of Finance, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Ministry of Law And Justice, Shastri, Bhawan, Dr. Rajendra Prasad Road, New-Delhi
3. The Governor, Reserve Bank of India, 18th Floor, Shahid Bhagat Singh Road, Mumabi (M.S.)
4. Central Vigilance Commissioner, Office At A- Block, G.P.O. Complex, Satarkata Bhawan, Ina, New Delhi -110023

---- Respondents

(Cause Title taken from Case Information System)

 For Petitioner : Mitlesh Kumar Sahu, in person.

 For Union of India : Mr. Ramakant Mishra, Dy. Solicitor General

Hon'ble Mr. Ramesh Sinha, Chief Justice**Hon'ble Mr. Rakesh Mohan Pandey, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****19.06.2023**

Heard Mr. Mithlesh Kumar Sahu, petitioner in person as well as Mr. Ramakant Mishra, Deputy Solicitor General, appearing for the Union of India, is present.

2. This writ petition has been filed in the style of 'Public Interest Litigation' (for short 'PIL') seeking following reliefs :

“(i) That, this Hon’ble Court may kindly be pleased to allow the present writ petition preferred by the petitioner and call for the records pertaining to the present case.

(ii) That, this Hon’ble Court may kindly be pleased to issue an appropriate writ / order / direction to the respondent authorities to withdraw from circulation of the Rs. 500 and 200 also and not to re-print the Rs. 2000, 1000, 500 and 200 denomination banknotes in future in order to stop corruption, crimes and fake notes. However I had sent a proposal to RBI to stop the all above mentioned denominations but they have stopped only Rs. 2000 which is appreciable.

(iii) That, this Hon’ble Court may kindly be pleased to issue an appropriate writ / order / direction to the respondent authorities that cash withdrawal must be limited Rs. 5000 per month per account for saving bank account and Rs. 10,000/- per month per account for current bank account.

(iv) That, this Hon’ble Court may kindly be pleased to issue an appropriate writ / order /

direction to the respondent authorities to mandate digital for all those purchase or transaction which value is more than Rs. 1000 per item or collectively and all the branded goods from rs. 100 onwards.

(v) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ / order / direction to the respondent authorities not to allow to keep more than one saving account per person and more than one current account per business. In case there are multiple business taking care by the same person. The number of current account must be equal number of business. In case any saving or current account holder wants to switch another bank. The one has to provide a "No Objection Certificate" (NOC) to the new bank service provider. Related to this, top up or bill payment into prepaid card or credit card must be made by its respective account holder only whether the one has account in the same bank or not. Users may take account service and credit card service from the same bank or different bank depending on their choice.

(vi) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ / order / direction to the respondent authorities not to file any FIR if more than 5000 or 10000 cash are lost or stolen from any individual or businessman respectively until they have a written or printed proof of that cash ownership.

(vii) Any other relief which the Hon'ble Court deems fit under the facts and circumstances of the case may kindly be granted to the petitioner."

3. The petitioner in person submits that in the current situation, corruption and fake notes are increasing and it is noticed that crores of rupees (in cash) have been recovered during the raids of the Enforcement Directorate Department. He further submitted that cash transactions are the main source of corruption, due to which, every citizen of the Country has suffer directly or indirectly everyday. It has been contended that he prepared a proposal to stop corruption and fake banknotes from the Court, for which, he shared free strategies to the Reserve Bank of India, Central Vigilance Commission as well as Ministry of Finance through PMO portal on 09.04.2023, but no action has been taken in this regard. Hence, he prayed that a direction may be issued to the respondent authorities to withdraw from circulation of the Rs.500/- and 200/- also and not to re-print the Rs.2000/-, 1000/-, 500/- and 200/- denomination banknotes. He further

prayed that cash withdrawal must be limited Rs.5000/- per month per account for saving bank account and Rs.10,000/- per month per account for current bank account. Lastly, he prayed a direction that the respondent authorities not to file any FIR if more than Rs.5000/- or Rs.10000/- cash are lost or stolen from any individual or businessman respectively until they have a written or printed proof of that cash ownership.

4. Learned Deputy Solicitor General, appearing for the Union of India, on the other hand, submitted that the matter relates to policy decision to be taken by the Central Government or the Reserve Bank of India and the petitioner has no locus to challenge the same by filing this public interest litigation.

5. Having considered the rival submissions of the learned Counsel for the parties and gone through the record, it is relevant to mention that it is the duty of this Court to ensure that there is no personal gain, private motive and oblique notice behind filing of PIL. In order to preserve the purity and sanctity of the PIL, the Courts must encourage genuine and bonafide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

6. The Courts should, prima facie, verify the credentials of the petitioner before entertaining a PIL. It is also well settled that 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. The Courts should ensure the jurisdiction in public

interest is invoked for genuine purposes by persons who have bona fide credentials and who do not seek to espouse or pursue any extraneous object. Otherwise, the jurisdiction in public interest can become a source of misuse by private persons seeking to pursue their own vested interests.

7. A Division Bench of the Allahabad High Court, in the case of **Gurmet Singh Soni Vs. State of U.P. and others** reported in **2021 (5) ADJ 409**, noticing the decision of the Apex Court in **State of Uttaranchal Vs. Balwant Singh Chaufal & Ors.** reported in **2010 AIR SCW 1029** and other judgments of the Apex Court on the issue, has dismissed the public interest litigation.

8. 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.”

9. 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 trumpety 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, detinue 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, meddling 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.”

10. The Hon'ble Supreme Court, in **Gurpal Singh v. State of Punjab & Others** reported in **(2005) 5 SCC 136**, the appointment of the appellant as Auction Recorder was challenged. The Court held that the scope of entertaining a petition styled as a public interest litigation and locus standi of the petitioner particularly in matters involving service of an employee has been examined by this Court in various cases. The Court observed that before entertaining the petition, the Court must be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. The court has to strike balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid

mischievous petitions seeking to assail, for oblique motives, justifiable executive actions.

11. In the instant case, the petitioner, in the writ petition, except for mentioning that he is involved in a social work, has not stated anything covering any of the above essential requirements. In short, he has not disclosed his credentials. The petitioner, in the absence of any documentary proof to establish his authority or expertise in doing social work, does not have the requisite credentials to initiate petition in Public Interest.

12. The petitioner has no locus standi to file the present PIL for the reliefs claimed therein as it appears that for oblique motive, the present PIL has been filed by the petitioner, who is not expertise in the filed, for which, this PIL has been filed and the PIL just amounts to 'Publicity Interest Litigation'.

13. In the present case, we are not satisfied that this is a genuine petition filed in public interest so as to invoke the jurisdiction in the public interest under Article 226 of the Constitution. Even otherwise, the petitioner has alternative efficacious remedy for redressal of his grievance as raised in this petition.

14. Accordingly, the writ petition styled as 'Public Interest Litigation' stands dismissed leaving it open to the petitioner to avail any such remedy available to him under the law before appropriate forum.

Sd/-
(Rakesh Mohan Pandey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice