

\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 10605/2015 & CM Appls.45216/2016, 16307/2017,
43155/2018, 47492/2018 &16807/2018

SURAZ INDIATRUST Petitioner

Through: Mr. Rajiv Daiya in person

versus

UNION OF INDIA Respondent

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

%

J U D G M E N T

11.09.2019

per D.N.PATEL, CHIEF JUSTICE

1. This writ petition has been filed by an organisation going by name of Suraz India Trust, through its chairman Rajiv Daiya, purportedly filed in public interest.

2. It prays, *inter alia*, that the right of the people of India, who seeks legal recourse on being injured/victimization as a result of breach of laws, the right of complainant in the case of injuries, etc., be protected and various provisions of the Code of Criminal Procedure, 1973 be struck down.

3. The said writ petition has been filed under the liberty granted, by the Supreme Court, to do so, *vide* its order dated 06th December, 2010, in W.P.(C) 469/2009 (*Suraz India Trust v. Union of India*).

The said order reads as under:

“We have seen the letter sent by the petitioner who was otherwise appearing in person.

By filing this petition, the petitioner has challenged the constitutional validity of the provisions of Sections 47, 128, 195, 340 and 301(1) and 302(1) of the Code of Criminal Procedure contending inter alia that the said provisions are ultra vires and unconstitutional. He requests that an Amicus Curiae be appointed in this Case. In the interest of justice, Mr. R. K. Gupta, who is present in the Court today, is appointed as Amicus Curiae to assist this Court. He has taken us through the petition.

After going through the same, we are of the considered opinion that the aforesaid relief which the petitioner has sought for in the Writ Petition in this Court could be the subject matter of a Writ Petition before the High Court, as the petitioner has alleged that his legal rights are violated.

In that view of the matter, we dispose of the Writ Petition with the liberty to the petitioner to approach the High Court for the same relief by filing an appropriate writ petition.”

(Emphasis supplied)

4. After notice was issued by this Court, on 11th April, 2019, the attention of this Court was invited to the judgment of the Supreme Court in a writ petition, preferred by the present petitioner under Article 32 of the Constitution of India, being *Suraz India Trust v. Union of India*, (2017) 14 SCC 416, as it was the contention of learned counsel for the respondent that, in the light of the said judgment, the present writ petition could not be entertained. This

Court had, therefore, directed the petitioner to show cause as to why the present writ petition be not dismissed in view of the judgment of the Supreme Court in the petitioner's own case.

5. ***Suraz India Trust (supra)*** was a case in which the Supreme Court noted that the petitioner was an inveterate litigant, who had filed as many as 64 different proceedings before the Supreme Court, without being successful in any matter.

6. The Supreme Court also noted the fact that the petitioner had, earlier, cast serious aspersions against three Hon'ble Judges of the High Court of Rajasthan besides its Chief Justice and had also issued notice of contempt to six Judges of the said High Courts besides its Chief Justice.

7. The following passages, from the judgement of the Supreme Court in ***Suraz India Trust (supra)***, merit reproduction, *in extenso*:

“7. In order to support the impropriety and wrongfulness expressed in the letter dated 27-12-2010, Suraz India Trust had appended a number of enclosures with its above letter (dated 27-12-2010). One of the letters to which our pointed attention was drawn had been addressed to Smt. Pratibha Patil - the then President of India. The subject of the aforesaid communication reveals, that the same was addressed to the President of India, besides the Prime Minister of India and the Chief Justice of India. This course of action had been adopted according to the petitioner to draw their attention against the Supreme Court of India, for having acted in contravention of the law. The opening paragraph of the instant communication dated 2-11-2009 depicts the crux of the grievance of Suraz India Trust. The same is reproduced below:

“1. That at the very outset, it is humbly submitted that when a person violates the provisions of the law of the land, it amounts to civil/criminal wrong, but when the Courts of law do not follow the provisions of law enacted for adjudication of the matters of litigants and commit judicial dishonesty, what is the remedy to such a victim? Nothing can be more serious than such judicial dishonesty. There are various orders of courts and competent authorities in the matters of the petitioner which are not being complied with resulting into contempt of court, but to no avail.”

(Emphasis supplied)

8. Having understood the tenor and text of the grievances of Suraz India Trust, it is also necessary for us to observe, that disparaging remarks were contained therein, not only with reference to Judges of the Rajasthan High Court but also with reference to Judges of this Court. With reference to the three Judges of the Rajasthan High Court, besides the Chief Justice, the views of Suraz India Trust are contained in Para 9 (of the communication dated 27-12-2010). The same is essential to understand the tenor of the grievance of the Trust, and is therefore being extracted hereunder:

“9. That it is humbly submitted that it appears that the Registrar (Judicial) Shri T. Sivdasan and Assistant Registrar, PIL (Writ) Shri Vimal Jaitely have come in rescue of the judiciary of Rajasthan. The petitioner has filed a Contempt Petition against the then Chief Justice of Rajasthan Shri Narayan Roy and three Judges of the Rajasthan High Court which was diarized at Diary No. 28301 of 2010 dated 7-9-2010. But the same is not being placed before the Bench for its adjudication deliberately, and possibility of rejection of the same on technical grounds by the Registry cannot be ruled out, even when the contempt is said to be committed against the Court and it is between the Court and the contemnor. On the one hand, the contempt petition is not being placed before the appropriate Bench for adjudication and on the other hand, the Rajasthan High Court at Jodhpur is not issuing notice even after hearing the matter various times in Contempt Petition No. 1 of 2006 (Rajiv Daiya v. Umesh Garg) nor the

subordinate judiciary (presently pending before the Judge, Economic Offences, Jodhpur) is getting compliance of summons (even after the specific orders of the High Court in Cr. Misc. Petition No. 626 of 2001, *Rajiv Daiya v. State of Rajasthan*) which is lying pending at the stage where it was in the year 1999, nor anything is being done from the year 2004 in criminal trial initiated on the complaint of the petitioner side in Cr. Case No. 210 of 2004 (*State v. Chandraveer Singh*) pending before Munsif & Judicial Magistrate No. 3, Jodhpur. It can safely be inferred from the above facts and circumstances that the judiciary of Rajasthan is in collusion with the Registry of the Hon'ble Supreme Court which is waiting for end of litigations filed by the petitioner and pending adjudication before the Hon'ble Supreme Court, so that they can proceed thereafter in above narrated pending matters and pass the orders in these cases according to their whims and fancies. Therefore, these matters are almost kept in abeyance from last so many years, and nothing is being done in these cases. This corroborates and supports the allegations of the petitioner against the High Court of Rajasthan and its subordinate judiciary so also the Registry of the Supreme Court which is vehemently prejudiced against the petitioner.”

(Emphasis is ours)

9. Insofar as Judges of this Court are concerned, the position adopted by Suraz India Trust is apparent from the factual narration recorded in the first enclosure (to the letter dated 27-12-2010) dated 8-10-2010. The instant communication dated 8-10-2010 was addressed to Shri T. Sivdasan, Registrar (Judicial) and Shri Vimal Jaitely, Assistant Registrar, PIL (Writ). Suraz India Trust in the above letter indicated the details of various matters in which the Trust has approached this Court. The remarks with reference to this Court, were recorded in para 7 thereof which is reproduced below:

“7. That the applicant apprehended that he cannot ventilate his grievance against the Justice Imparting Agency, and therefore, he was hesitant to approach the Hon'ble Supreme Court, which is clear from the notice dated 25-2-2009 (annexed with complaint dated 2-11-

2009 at pp. 11 to 13), he had made a specific submission that he cannot get justice from the Hon'ble Supreme Court, Paras 1 to 6 of the said notice dated 25-2-2009 are reproduced hereinunder for ready reference:

“1. That at the very outset, it is humbly submitted that under the legal framework of the Constitution, the People of India govern themselves through the Functionary of Executive as per the statutory provisions promulgated under the system as enshrined in our Constitution, and the judiciary has been bestowed upon with the power to adjudicate the disputes and controversies brought before it, as per the provisions of law. The Supreme Court and the High Courts under Articles 32 and 226 vest the right to test the legislative law at the anvil of Chapter III of the Constitution of India under extraordinary jurisdiction meaning thereby that the Constitution of India is supreme in our country, and the Judges and the Chief Justices of the High Courts take oath to uphold the Constitution and laws of the land while entering into their offices.

2. That since the applicant has moved the Mercy Petition to the Hon'ble President of India when he has experienced time and again that the higher judicial officers have come to rescue of lower judicial officers, and the applicant being the victim of judicature of Rajasthan as he is victim of all the tiers of the judiciary of Rajasthan which includes the Judicial Magistrate, Assistant Chief Judicial Magistrate/Chief Judicial Magistrate, Additional District Judge/District Judge, Dy. Registrar/Addl. Registrar, Registrar General, High Court Judges including Chief Justice, and with this view, he has not approached the Hon'ble Supreme Court because there is every likelihood that now the Hon'ble Supreme Court may come to rescue of Judicature of Rajasthan. To make it more clear your attention is drawn

that there are three Judges presently holding the office in the Hon'ble Supreme Court who have relations not only from Rajasthan but from Jodhpur, and as experienced so far by the applicant he has reason to apprehend that he cannot get justice from the Hon'ble Supreme Court. Taking this view into matter, the applicant considered it appropriate to make a complaint in the form of mercy petition so as to be considered by the Hon'ble President of India himself being the Appointing and Terminating Authority and with further view that the applicant would be provided ample opportunity of hearing as he has bulky material so as to prove his contentions by making order for enquiry as was conducted in the case of Hon'ble Justice of the Kolkata High Court Shri Somesh Mitra, and thereafter, the Hon'ble Chief Justice of India Shri K.G. Balakrishnan has recommended his case for impeachment.

3. That the applicant has not approached the Hon'ble Supreme Court on yet another ground that the applicant sought various information from the Public Information Officer, Rajasthan High Court, Jodhpur, wherein there is a non-responding attitude of the First Appellate Authority under RTI Act. The applicant moved to the Hon'ble President of India so that the record of the High Court may be called that may prove the contentions of the applicant, so as to make out he (sic) of contempt of the Hon'ble Supreme Court with incomplete material in aforementioned circumstances.

4. That it is out of place to mention here that the applicant has a reasonable apprehension that the Ministry of Law and Justice is trying to suppress the complaint of the applicant so as to avoid enquiry into the matter allowing the applicant to put up the material on record as a piece of evidence. The applicant has experienced that higher judicial officers have come in rescue of lower judicial officers, but it

is experience for the first time that the President, Secretariat so also the Ministry of Law & Justice has come to rescue of the Judiciary which has drafted the bill for making complaints against the Judges. Whether the action of bringing the said bill into Parliament is merely an illusion?

5. That the notice of contempt petition upon six Judges of the Rajasthan High Court including the Chief Justice is merely an iceberg seen out of the water to your goodself, there is a very big piece of ice floating beneath the water surface which has remained unseen and if comes into limelight, may prove to be a BURNING SCAM of the country and the name of your goodself may find place in the pages of history. Admittedly, neither your goodself nor the Ministry of Law and Justice is competent to make any interference in the judiciary which is clear from the order of dismissal dated 5-2-2009. Under such circumstances, it is in the interest of justice that the Mercy Petition dated 29-9-2008 and Complaints dated 14-11-2008 and 22-12-2008 deserve to be either placed before the Hon'ble President of India for decision or in the alternative, the same may be forwarded to the Hon'ble Supreme Court of India which is competent to proceed into the matter under the provisions of Article 129 of the Constitution of India. In case of any hindrance and obstruction on your part will certainly amount to obstruction in administration of justice and punishable for contempt of the Hon'ble Supreme Court.

6. That it is a case where the faith of the applicant has been lost in the judiciary/justice-imparting agency, and it is the pious duty of the President, Secretariat being the part and parcel of Parliament to honour the Sovereign of the Nation 'We the people of India'. Therefore, the Mercy Petition dated 29-9-2008, Complaints dated 14-11-2008 and 22-12-2008 may either be

put up before the Hon'ble President of India or in the alternative to forward the same to the Hon'ble Supreme Court with the recommendation to place the same before the Bench comprising of the Hon'ble Chief Justice of India he being the head of the Judiciary for taking such decisions in light of the law laid down in *K. Veeraswami v. Union of India*, (1991) 3 SCC 655 by the Constitution Bench of the Hon'ble Supreme Court. If the applicant still remains unheard, the President Secretariat the more particularly Your Goodself will be solely responsible for the consequences. The abstract concerned of the law laid down in *K. Veeraswami* is reproduced for ready reference: (SCC pp. 682-83, para 12)

“12. ... Undoubtedly, respect for the judiciary and its public credibility and dignity has to be maintained in order to ensure respect for the Judges in public and also for the decisions rendered by the Judges. ... If these things are allowed to go unnoticed, it will create a serious inroad on the dignity, respect, and credibility and integrity of the high office which a Judge of the Supreme Court and of the High Court occupies resulting in the erosion on the dignity and respect for the high office of the Judges in the estimation of the public. As has been suggested by my learned Brother Shetty, J. that the President is given the power to appoint the Judges of the Supreme Court as well as of the High Court by warrant under his hand and seal and similarly even after passing of an address by both the Houses of Parliament in the manner provided in Article 124, clauses (4) and (5) and (sic) placed before the President, a Judge cannot be removed from his office unless an order to that effect is passed by the President. ... In order to adequately protect a Judge from frivolous

prosecution and unnecessary harassment the President will consult the Chief Justice of India who will consider all the materials placed before him and tender his advice to the President for giving sanction to launch prosecution or for filing FIR against the Judge concerned after being satisfied in the matter.”

(emphasis is ours)

18. After we declined the request of Mr Rajiv Daiya, to be provided with professional assistance, he made the required undertaking, as a last ditch effort ... and as a desperate final attempt that Suraz India Trust would henceforth not file any public interest litigation. In other words, he desired us to accept the liberty which we had afforded to him, at the outset, after his long-drawn submissions. Mr Rajiv Daiya also requested us that his statement be so recorded. We have painstakingly narrated the entire sequence of facts as they unfolded during the course of hearing. We also hereby record his undertaking to this Court as he suggested.

21. We find no contradiction in the position expressed above, and the inference drawn by us. We may only state, that he may not be in a position to project complicated questions of law, but he certainly had no difficulty in explaining and clarifying factual issues. In this context, we find it difficult to comprehend why the petitioner -Suraz India Trust, had approached this Court again and again. Mr Rajiv Daiya personally represented Suraz India Trust, in all court proceedings. He was individually found to be incompetent to render assistance, on complicated legal issues. Through the present writ petition the Trust has prayed for a declaration, that Section 3 of the Judges (Enquiry) Act, 1968, be held unconstitutional, being violative of Article 124(4) of the Constitution. In the present writ petition it is also the prayer of the petitioner, that this Court declare, that the provisions of the Judges (Enquiry) Act, 1968 are violative of Article 14 of the Constitution, and as such, the entire enactment be set

aside. Why should a Trust be pursuing such a cause? Even if the prayers made in the petition were to be accepted, who would benefit therefrom? One would wonder, whether this petition had been filed bona fide? Or, is this petition a proxy litigation? For the present consideration, it is not necessary for us to go into all these questions. But these are certainly issues of concern, specially when, the same petitioner has been approaching this Court again and again, always on complicated legal issues.

24. When the case [Writ Petition (C) No. 204 of 2010] was heard by the three-Judge Bench on 7-1-2013, the same was dismissed. The understanding of the petitioner, that the matter was wrongfully placed before a three-Judge Bench, and thereafter, was wrongfully dismissed by the three-Judge Bench, obviously lacks any justification (for the reasons recorded in the foregoing paragraphs). We are, therefore satisfied, that the inferences drawn by Mr Rajiv Daiya, were the result of his lack of maturity and understanding of legal issues. The observations recorded by this Court (on an earlier occasion), that Mr Daiya was not competent to assist this Court on legal issues, is therefore, hereby endorsed.

25. As recently as in January 2017, Suraz India Trust filed the present Writ Petition (C) No. 880 of 2016 incorporating the following prayers:

“15. Main prayer

It is, therefore, humbly prayed that by an appropriate writ, order or direction, this Hon'ble Court may graciously be pleased to:

(a) to declare the provisions of Section 3 of the Judges (Enquiry) Act, 1968 as unconstitutional and void; the same being inconsistent and in contravention to the provisions of Article 124(4) of the Constitution of India;

(b) to strike down the provisions of Section 3 of the Judges (Enquiry) Act, 1968 being

unconstitutional and against the basic structure of the Constitution;

(c) to declare that provisions of the Judges (Enquiry) Act, 1968 are in violation of Article 14 of the Constitution of India;

(d) to pass any other order as this Hon'ble Court may deem just and proper in the interest of justice in the facts and circumstances of the present case.”

We are yet again constrained to observe, why should the Trust be pursuing such a cause? We would choose to say no more.

26. After Writ Petition (C) No. 204 of 2010 was dismissed (on 7-1-2013), this Court was repeatedly approached by Suraz India Trust to assail the order dated 7-1-2013 through a variety of routes, including contempt petitions (fully detailed above), questioning the legitimacy of listing of the above writ petition for hearing, before a three-Judge Bench. All these challenges were impermissible in law. These challenges completely lacked jurisdiction. The narration recorded hereinabove, leaves no room for any doubt, that Suraz India Trust's actions, in repeatedly invoking the jurisdiction of this Court, were clearly uncalled for. In 64 of the cases, when Suraz India Trust approached this Court, as per the details indicated above, it did not find any success whatsoever, and not a single direction, ever came to be issued by this Court, out of its repeated endeavours. No one, who does not understand the nicety of legal issues, as has been demonstrated by the actions of Suraz India Trust, can be permitted to endlessly waste the Court's time. The different contempt petitions filed by Suraz India Trust against a Chief Justice (whilst he was still in office), and against the Secretary General of the Supreme Court, amongst others, were wholly groundless, baseless and ill-founded.

27. The waste of judicial time of this Court, is a matter of serious concern. The course of action adopted by the petitioner (despite its alleged, bona fide intention) was not in consonance with law. When the petitioner did not get the orders that it hoped for (or, felt it was entitled to), the petitioner pointedly expressed its anger, towards all and

sundry ... and even by name. The petitioner took its grievance, to the highest executive functionaries in this country. The petitioner agitated its claim by airing its grievances to the Chief Justice of India and the Judges of this Court — at their private residences. The petitioner aired its protestation, even against the Secretary General of the Supreme Court. These officers were targeted because they had filed/lodged matters filed by Suraz India Trust, for the simple reason that they were not maintainable. Having considered the same, we are satisfied that the administrative determination by officers of the Registry of this Court was fully justified.

28. The posting of a matter filed by the petitioner, by the then Chief Justice, before a three-Judge Bench was also a matter which was unnecessarily agitated repeatedly. Even by filing contempt petitions against the then Chief Justice himself. Filing contempt petitions, one after the other, on issues which lacked justification, also highlighted the Trust's illegitimate misadventures. Mr Rajiv Daiya, appearing for the petitioner Trust, is an emboldened persona. He has expressed his ire even against six Judges of the Rajasthan High Court, including its Chief Justice, and against three Judges of the Supreme Court, besides its Chief Justice. We are of the view that all these actions of the petitioner were wholly unjustified. Mr Rajiv Daiya did not attempt to even make the slightest effort, to reason out the same, or to demonstrate the veracity of his actions. Having gone through the hearing, over a length of time expressed hereinabove, the least we can say is, that the petitioner has been seriously remiss in his judicial interventions.

29. Extremely important matters are taken up for consideration on a daily basis, and they lag behind sometimes, because individuals who were not competent to assist this Court, insist without due cause, to be granted a prolonged hearing. Hearing is sometimes sought (as in the instant case) even in matters, which the petitioners themselves are incompetent to understand and handle. All such misadventures have to be dealt with sternly, so as to prevent abuse of judicial time. Specially by such individuals, who freely cast imaginary and scandalous accusations, in making out their submissions. We could have initiated sterner action against Mr. Rajiv Daiya for the position canvassed by him, against the Judges of the Rajasthan High Court, as also of this

Court. We, have restrained ourselves from any strong handed approach just for once. In future, such leniency may not come by. But this order, should be considered as a warning enough, for the future.

30. It is however not possible for us, to let off Suraz India Trust without any remedial consequences, for its filing of misconceived petitions. We therefore hereby direct, that Suraz India Trust shall henceforth refrain itself absolutely, from filing any cause in public interest, before any court in this country. Similarly, Mr. Rajiv Daiya shall absolutely refrain himself from filing any cause in public interest, either directly or through any other individual, hereinafter, in any court. In all pending matters, whether before this Court or before any other High Court, which may have been initiated by Suraz India Trust and/or by Mr. Rajiv Daiya, as a cause in public interest, it shall be imperative for Suraz India Trust/Mr. Rajiv Daiya to place the instant judgment/order on the record of the case, in case the petitioner decides not to withdraw the same unilaterally.

31. For the judicial time wasted by Suraz India Trust, we consider it just and appropriate to impose exemplary costs on it. This is imperative, as it would discourage the instant nature of indiscretion, not only at the hands of Suraz India Trust, but also at the hands of other similarly placed individuals, who may have been emboldened, to adopt the course treaded by Mr. Rajiv Daiya. The costs imposed on the petitioner are hereby quantified at Rs. 25 lakhs (Rupees twenty-five lakhs only). The aforesaid costs shall be deposited by Suraz India Trust, with the Supreme Court Advocates on Record Welfare Trust, within three months from today. Failing deposit, the above costs shall be recoverable from Mr. Rajiv Daiya, its Chairman, through his personal proceeds, if necessary.”

(Emphasis supplied in part)

8. To a query, by us, as to whether he had complied with the direction, of the Supreme Court, to pay ₹ 25 lakhs as costs, Mr. Daiya, who appears in person, submits that the aforesaid judgement, dated 1st May, 2017, of the Supreme Court, had not yet attained finality, as he

had preferred petitions before the Hon'ble President of India. This issue, he submits, was still alive in the Supreme Court. He cautioned us that it would, in fact, be criminally contemptuous, on our part, to question him in this regard, as it would be amounting to interference with the proceedings in the Supreme Court.

9. Our research, however, reveals that this is not the position and that, in fact, MA 507/2017, which was referred, by the petitioner, seeking modification of the judgement of the Supreme Court, was dismissed by order dated 5th December, 2017, and, subsequently, on 8th February, 2018, the Supreme Court, noting the fact that the costs of ₹ 25 lakhs, as directed by it, had not been deposited by the petitioner, despite repeated orders, has gone to the extent of directing its Registry not to accept any application or petition on behalf of the petitioner, or Mr. Rajeev Daiya. The order, dated 8th February, 2018, reads thus:

“The petitioner who is appearing in person has not deposited the costs of ₹ 25,00,000/- in spite of repeated orders. All the applications and the writ petition are dismissed.

The Registry is directed not to accept any application or petition on behalf of Suraz India Trust or Mr. Rajiv Daiya.”

It merits mention, here, that the petitioner has placed, on record, *all other orders* passed by the Supreme Court in Writ Petition (Civil) 880/2016, and the various applications filed therein, *except for* the above order dated 8th February, 2018, which Mr. Daiya chose to conceal even during the course of submissions made before us in Court.

10. The petitioner has not chosen to place, on record, Writ Petition (Civil) No. 469 of 2009, which was filed by him before the Supreme Court, either. A reading of the order, dated 6th December, 2010 *supra*, whereby the Supreme Court disposed of the said writ petition, however, discloses that the petitioner had, in the said writ petition, alleged that “*his* legal rights” were violated. We have gone through the present writ petition, and do not find even the whisper of an averment, let alone allegation, regarding violation of any of the rights of the petitioner, fundamental or otherwise. The writ petition is founded entirely on hypotheses, assumptions and presumptions, regarding perceived inaction, on the part of the executive, in coming to the aid of persons – not one of whom has either been identified or named – who suffer legal wrongs. The challenge, to the various provisions of the Cr.P.C., of which the writ petition seeks quashing, is also founded on hypothetical averments, without a single concrete instance being highlighted in the entire writ petition. The order, dated 6th December, 2010 *supra*, passed by the Supreme Court in Writ Petition (Civil) No. 469 of 2009, allowed the petitioner to move this Court for ventilation of *his* rights, and not to file yet another public interest litigation. The petitioner, apparently, initially filed W.P.(C) 8155/2015 and, thereafter, simply withdrew the said writ petition, on 31st August, 2015, “with liberty to file a fresh writ petition in proper form and with appropriate relief”. The averment, in the writ petition, that the said withdrawal was with liberty to the petitioner to file a public interest litigation, does not follow from the order dated 31st August 2015, or elsewhere from the record.

11. This Court is not prepared to countenance a public interest litigation, at the instance of the litigant who is in contempt of the Supreme Court, and is wilfully defying, with total impunity, the direction of the Supreme Court, as contained in its judgement dated 1st May, 2017 *supra*. We enquired, from the petitioner, as to whether he intended to comply with the direction, of the Supreme Court, or to pay the costs as imposed by the judgement dated 1st May, 2017, as given the tenor of the said judgement, the observations contained therein and the purpose of imposing the said costs, we are not convinced that it would be appropriate for us to entertain the petitioner, or provide an audience to him, until and unless he complies with the order of the Supreme Court. Mr. Daiya, however, persisted in his assertion that the judgement dated 1st May, 2017, had not yet attained finality and that he was, therefore, not bound to comply therewith.

12. We cannot agree. It is not possible, or proper, for us, to provide an audience to the petitioner, once the Supreme Court has gone to the extent of directing the Registry not to entertain any petition, either by the petitioner or by Mr. Daiya. Article 144 of the Constitution of India requires all authorities, civil and judicial, in the territory of India, to act in aid of the Supreme Court. We cannot, therefore, entertain the petitioner, where the Supreme Court has shut its doors to him, for all times to come. This, in our view, would fly directly in the face of Article 144 of the Constitution of India, and would amount to judicial misadventurism, on our part.

13. We, therefore, decline to entertain the present writ petition which is, accordingly, dismissed.

14. All pending applications stand disposed of accordingly.

CHIEF JUSTICE

C. HARI SHANKAR, J.

SEPTEMBER 11, 2019
dsn/r.bararia

