

Court No. - 1

Case :- P.I.L. CIVIL No. - 27598 of 2021

Petitioner :- Ajay Singh

Respondent :- State Of U.P. Thru.Prin. Secy. Urban Dept. Lko. & Ors.

Counsel for Petitioner :- Vinod Kumar Singh, Anu Pratap Singh

Counsel for Respondent :- C.S.C., Satish Chandra Kashish

Hon'ble Ramesh Sinha, J.

Hon'ble Vivek Varma, J.

(Oral : Ramesh Sinha, J.)

- (1) Vakalatnama filed on behalf of respondent no.7 by Shri Hemant Kumar Misra, Advocate, is taken on record.
- (2) The petitioner, **Ajay Singh**, in the present Public Interest Litigation seeks following reliefs :-

"i. Issue a writ, order or direction in the nature of Mandamus commanding the opposite party no.1 to constitute a State Level Committee for conducting a deep enquiry with regard to manipulation, and forgery in revenue records, and nexus of revenue officials with opposite party no.7 resulting into unauthorized occupation of large area of State land over Khasra Plot Nos. 471, 472, 473 and 474 situated in Tehsil Mankapur, District-Gonda which are recorded in the old revenue record as State land in the name of 'Registry Aspatal, and kanzi house'.

ii. Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties 2, 4 and 5 to issue a public notice in widely circulated newspapers notifying therein about land bearing Khasra Plot Nos. 471, 472, 473, 474 and 475 situated at Mankapur Town, Tehsil Mankapur, District-Gonda to be State land/public utility land

iii. Issue a writ, order or direction in the nature of Mandamus commanding the opposite party no. 2 to take immediate action to dispossess unauthorized occupant from the State land as

requested by opposite party no. 6 by letter dated 01.08.2019 as contained in Annexure no.5 to this petition."

- (3) It appears that the petitioner, in the instant Public Interest Litigation, is claiming that private respondent no.7, in connivance with revenue officials, has unauthorizedly occupied large land of the State, bearing Gata Nos. 471, 472, 473 and 474 situate in Tehsil Mankapur, District Gonda, which are recorded in the old revenue record as State land in the name of 'Registry Aspatal' and 'Kanzi House', hence respondent no.2 may be directed to take immediate action to dispossess unauthorized occupant from the land in question.
- (4) Learned Counsel for the respondent no.7, on the other hand, submitted that the petitioner is having criminal history as twenty-nine criminal cases in heinous offences have been registered against him. In support of his submission, he has filed a list of pending criminal cases against the petitioner, which are reproduced as under :-

"(1) Case Crime No. 140 of 2001, under Sections 323, 504, 506 IPC, Police Station Mankapur, District Gonda.

(2) Case Crime No. 112 of 2004, under Section 110 G Cr.P.C., Police Station Mankapur, District Gonda.

(3) Case Crime No. 262 of 2005, under Section 3(1) of the U.P. Goondas Act, Police Station Mankapur, District Gonda.

(4) Case Crime No. 221 of 2005, under Sections 143, 336, 352, 188 IPC, Police Station Mankapur, District Gonda.

(5) Case Crime No. 194 of 2006, under Sections 4/10 of Forest Act, Police Station Mankapur, District Gonda.

(6) Case Crime No. 224 of 2001, under Section 406 IPC, Police Station Mankapur, District Gonda.

(7) Case Crime No. 242 of 2007, under Section 3(1) of the U.P. Goondas Act, Police Station Mankapur, District Gonda.

(8) Case Crime No.208 of 2008, under Section 420 IPC, Sections 4/10 Forest Act and Sections 3/28 of U.P. Transit of Timber and other under Forest Act, Police Station Mankapur, District Gonda.

(9) Case Crime No. 207 of 2008, under Sections 379 and 411 IPC, Sections 4/10 Forest Act, Police Station Mankapur, District Gonda.

(10) Case Crime No. 11 of 2009, under Sections 147, 323, 352 IPC, Police Station Mankapur, District Gonda.

(11) Case Crime No. 53 of 2009, under Sections 395, 447, 506 IPC, Police Station Mankapur, District Gonda.

(12) Case Crime No. 78 of 2009, under Section 110 G Cr.P.C., Police Station Mankapur, District Gonda.

(13) Case Crime No. 221 of 2009, under Sections 4/10 of Forest Act, Police Station Mankapur, District Gonda.

(14) Case Crime No. 542 of 2009, under Sections 4/10 of Forest Act, Police Station Mankapur, District Gonda.

(15) Case Crime No. 192 of 2011, under Sections 4/10 of Forest Act, Police Station Mankapur, District Gonda.

(16) Case Crime No. 395 of 2015, under Section 110 G of Cr.P.C., Police Station Mankapur, District Gonda.

(17) Case Crime No. 90 of 2017, under Sections 147, 148, 323, 506, 325, 354 kha, 452 IPC, Police Station Mankapur, District Gonda.

(18) Case Crime No. 314 of 2018, under Sections 352, 504, 506 IPC, Police Station Mankapur, District Gonda.

(19) Case Crime No. 205 of 2020, under Sections 379, 411 IPC and Sections 4/10 Forest Act, Police Station Mankapur, District Gonda.

(20) NCR 243 of 2005, under Sections 323, 504, 506 IPC, Police Station Mankapur, District Gonda.

(21) NCR 107 of 2007, under Sections 323, 504, 506 IPC, Police Station Mankapur, District Gonda.

(22) Range Case No.26 of 2006-2007, under Section Van Vibhag Tikri Range Mankapur Gonda fine Rs.6000/-

(23) Range Case No.34 of 2008-2009, under Section 4/10 Van Vibhag Tikri Range Mankapur Gonda.

(24) Range Case No.01 of 2010-2011, under Section 4/10 Van Vibhag Tikri Range Mankapur Gonda.

(25) Range Case No.29 of 2013-2014, under Section 33 Van Vibhag Tikri Range Mankapur Gonda fine Rs.14,000/-.

(26) Range Case No.40 of 2015-2016, under Section 4/10 and 3/28 Van Vibhag Tikri Range Mankapur Gonda.

(27) Range Case No.42 of 2016-2017, under Section 4/10 Van Vibhag Tikri Range Mankapur Gonda fine Rs. 4,000/-.

(28) Case Crime No.23 of 1996 under Sections 379/411 IPC and Section 26 of Forest Act, Police Station Baundi, Janpad Bahraich.

(29) Case Crime No.3 of 1997 under Sections 342/427 IPC, Police Station Baundi, Janpad Bahraich.”

- (5) Learned Counsel for the respondent no.7 has further pointed out that in respect of Gata No. 470, 473, 536, 437, 544, 545, 546, 577, 576Ga, 580 ka, 580 Kha situated at Nagar Panchayat Mankapur, District Gonda, one Satish Kumar has approached this Court by filing Public Interest Litigation No. 31154 of 2019, seeking therein to issue a writ of mandamus directing the State to conduct a detailed inquiry into the illegal and unlawful act of grabbing government land situated over the aforesaid land. A Co-ordinate Bench of this Court, vide order 16.11.2019, dismissed the aforesaid Public Interest Litigation, against which, SLP (Civil) No. 014986 of 2021 has been preferred by

said Satish Kumar and the same is still pending before the Apex Court. He argued that the Apex Court, vide order dated 22.10.2021, has fixed the aforesaid SLP for 08.02.2022.

- (6) Learned Counsel for the respondent no.7 has drawn our attention to the proceeding initiated under Section 122-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as “Act, 1950”) by the Gaon Sabha against the instant writ petitioner (Ajay Singh) and has submitted that the writ petitioner himself is a land grabber. In respect of Gata No. 1427 M/area 0.004 hectare situate at Village Bhitauri, Pargana & Tehsil Mankapur, District Gonda, the Gaon Sabha has approached the Assistant Collector/Tehsildar (Judicial), Mankapur by filing a case, bearing No. 276/2013-14 and the Assistant Collector/Tehsildar, Mankapur, vide order dated 25.04.2014, directed to dispossess the writ petitioner from land, bearing no. 1427/0.053 hectare and further directed to recover the amount of Rs.1,80,000/- towards compensation and Rs.7/- towards execution cost under Sections 49 (b) and 49 (c) of the Act, 1950 from the writ petitioner. Against the aforesaid order dated 25.04.2014, writ petitioner has filed revision, bearing no. 1257 of 2014, before the Collector, Devi Patan Mandal, Gonda, who, vide order dated 09.09.2019, dismissed the aforesaid revision. Feeling aggrieved, the writ petitioner has approached this Court by filing writ petition no. 27138 (M/S) of 2019 : *Ajay Singh Vs. State of U.P. and others*, in which, learned Single Judge, vide interim order dated 27.09.2019,

directed the parties to maintain *status quo* as existed on the date of passing of the order. It was also observed by the learned Single Judge that in the event of deciding the writ petition against the writ petitioner, penalty would be imposed upon him along with interest @ 12% payable to the Gaon Sabha for encroaching upon the land of the Gaon Sabha. He also argued that in respect of Gata No. 471, Zila Panchayat Gonda through its Chairman has filed Second Appeal No. 89 of 2020 and the same is pending before this Court. In these backgrounds, his submission is that the instant petition though styled as a PIL is nothing but an attempt to misguide the Court and it has been filed with an oblique motive. There was no public interest involved and in fact when the writ petitioner is having criminal history and part of the dispute raised by the writ petitioner is pending adjudication before the Courts as well as Apex Court, hence the instant public interest petition could not have been maintained and the same is liable to be dismissed with heavy costs.

- (7) In response, learned Counsel for the writ petitioner does not dispute the criminal antecedents against the writ petitioner as pointed out by the learned Counsel for the respondent no.7 but he contended that in some of the cases, trial is still pending. He further argued that mere involvement of the writ petitioner in criminal cases does not debar the writ petitioner to file the public interest litigation.

- (8) We have minutely examined the submissions advanced by the learned Counsel for the parties and gone through the record.
- (9) The petitioner has filed this petition as *Pro Bono Publico*, therefore, this Court is required to first satisfy itself regarding the credentials of the petitioner and secondly, the *prima facie* correctness of the information given by him because after all the name of public interest litigation cannot be used for suspicious products of mischief. It has to be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta or private motive. The process of the Court cannot be abused for oblique considerations by masked phantoms who monitor at times from behind. The common rule of *locus standi* in such cases is relaxed so as to enable the Court to look into the grievances complained of on behalf of the poor, deprive, deprivation, illiterate and the disabled and who cannot vindicate the legal wrong or legal injury caused to them for any violation of any constitutional or legal right. But, then while protecting the rights of the people from being violated in any manner, utmost care has to be taken that the Court does not transgress its jurisdiction nor does it entertain petitions which are motivated. After all, public interest litigation is not a pill or panacea for all wrongs. It is essentially meant to protect basic human rights of the weak and disadvantaged.

(10) It is true that Public Interest Litigation is a weapon which has to be used with great care and circumspection and the Judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or public interest seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering justice to the citizens. Courts must do justice by promotion of good faith and prevent law from crafty invasions. It is for this reason that the Court must maintain social balance by interfering for the sake of justice and refuse to entertain where it is against the social justice and public good.

(11) In **Gurpal Singh vs. State of Punjab**, JT 2005 (5) SC 389, the Apex Court has held as under :-

“The Court has to 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. 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. In such case, however, the Court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the Executive and the Legislature. The Court has to act ruthlessly while dealing with imposters and busy bodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the

name of Pro Bono Publico, though they have no interest of the public or even of their own to protect.

Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. (See *State of Maharashtra vs. Prabhu*, (1994 (2) SCC 481), and *Andhra Pradesh State Financial Corporation vs. M/s GAR Re-Rolling Mills and Anr.*, (AIR 1994 SC 2151). No litigant has a right to unlimited draught 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 and frivolous petitions. (See *Dr. B.K. Subbarao vs. Mr. K. Parasaran*, (1996 (7) JT 265). Today people rush to Courts to file cases in profusion under this attractive name of public interest. They must inspire confidence in Courts and among the public.

(12) In **Kushum Lata versus Union of India and others** : (2006) 6

SCC 180, the Hon'ble Supreme Court held thus:

"5. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public Interest Litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation" or "politics interest litigation" or the latest trend "paise income litigation". The High Court has found that the case at hand belongs to the second category. If not properly regulated and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta and wreck vengeance, as well. There must be real and genuine public interest involved in the

litigation and not merely an adventure of knight errant borne out of wishful thinking. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. The Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the Court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in *The Janta Dal v. H.S. Chowdhary* (1992 (4) SCC 305) and *Kazi Lhendup Dorji vs. Central Bureau of Investigation*, (1994 Supp (2) SCC 116). A writ petitioner who comes to the Court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. (See *Ramjas Foundation vs. Union of India*, (AIR 1993 SC 852) and *K.R. Srinivas v. R.M. Premchand*, (1994 (6) SCC 620)."

- (13) The Apex Court in the case of **State of Uttaranchal versus Balwant Singh Chaufal and Ors.** : (2010) 3 SCC 402, in paragraphs 178, 179, 180 and 181, laid down the following guidelines relating to Public Interest Litigation:

"178. We must abundantly make it clear that we are not discouraging the Public Interest Litigation in any manner, what we are trying to curb is its misuse and abuse. According to us, this is a very important branch and, in a large number of PIL petitions, significant directions have been given by the Courts for improving ecology and environment, and the directions helped in preservation of forests, wildlife, marine life etc. etc. It is the bounden duty and obligation of the Courts to encourage genuine bonafide PIL petitions and pass directions and orders in the

public interest which are in consonance with the Constitution and the laws.

179. The Public Interest Litigation, which has been in existence in our country for more than four decades, has a glorious record. This Court and the High Courts by their judicial creativity and craftsmanship have passed a number of directions in the larger public interest in consonance with the inherent spirits of the Constitution. The conditions of marginalized and vulnerable section of society have significantly improved on account of Court's directions in PIL.

180. In our considered view, now it has become imperative to streamline the PIL.

181. We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other Courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue 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 PIL.

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

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

(6) The Courts 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 Courts 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."

(14) In **Jaipur Shahar Hindu Vikas Samiti versus State of Rajasthan and others** : (2014) 5 SCC 530, the Apex Court has observed as under :-

"49. The concept of public interest litigation is a phenomenon which is evolved to bring justice to the reach of people who are handicapped by ignorance, indigence, illiteracy and other downtrodden people. Through the public interest litigation, the cause of several people who are not able to approach the court is espoused. In the guise of public interest litigation, we are coming across several cases where it is exploited for the benefit of certain individuals. The courts have to be very cautious and careful while entertaining public interest litigation. The judiciary should deal with the misuse of public interest litigation with

iron hand. If the public interest litigation is permitted to be misused the very purpose for which it is conceived, namely, to come to the rescue of the poor and downtrodden will be defeated. The courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under the particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petition filed as public interest litigation."

(15) In **Tehseen Poonawalla vs. Union of India and another**

(2018) 6 SCC 72, the Hon'ble Supreme Court while dealing with the issue of object of a public interest litigation and its misutilization by persons with personal agenda observed as under:

"96. Public Interest Litigation has developed as a powerful tool to espouse the cause of the marginalised and oppressed. Indeed, that was the foundation on which public interest jurisdiction was judicially recognised in situations such as those in *Bandhua Mukti Morcha v Union of India* (1984) 3 SCC 161. Persons who were unable to seek access to the judicial process by reason of their poverty, ignorance or illiteracy are faced with a deprivation of fundamental human rights. Bonded labour and under trials (among others) belong to that category. The hallmark of a public interest petition is that a citizen may approach the court to ventilate the grievance of a person or class of persons who are unable to pursue their rights. Public interest litigation has been entertained by relaxing the rules of standing. The essential aspect of the procedure is that the

person who moves the court has no personal interest in the outcome of the proceedings apart from a general standing as a citizen before the court. This ensures the objectivity of those who pursue the grievance before the court. Environmental jurisprudence has developed around the rubric of public interest petitions. Environmental concerns affect the present generation and the future. Principles such as the polluter pays and the public trust doctrine have evolved during the adjudication of public interest petitions. Over time, public interest litigation has become a powerful instrument to preserve the rule of law and to ensure the accountability of and transparency within structures of governance. Public interest litigation is in that sense a valuable instrument and jurisdictional tool to promote structural due process.

97. Yet over time, it has been realised that this jurisdiction is capable of being and has been brazenly misutilised by persons with a personal agenda. At one end of that spectrum are those cases where public interest petitions are motivated by a desire to seek publicity. At the other end of the spectrum are petitions which have been instituted at the behest of business or political rivals to settle scores behind the facade of a public interest litigation. The true face of the litigant behind the façade is seldom unravelled. These concerns are indeed reflected in the judgment of this court in *State of Uttaranchal v Balwant Singh Chauhan* (2010) 3 SCC 402. Underlining these concerns, this court held thus: (SCC p.453, para 143).

"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 nonmonetary directions by the courts."

98. The misuse of public interest litigation is a serious matter of concern for the judicial process. Both this court and the High Courts are flooded with litigation and are burdened by arrears. Frivolous or motivated petitions, ostensibly invoking the public interest detract from the time and attention which courts must devote to genuine causes. This court has a long list of pending cases where the personal liberty of citizens is involved. Those who await trial or the resolution of appeals against orders of conviction have a legitimate expectation of early justice. It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions purportedly filed in the public interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation. There is a grave danger that if this state of affairs is allowed to continue, it would seriously denude the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention. Worse still, such petitions pose a grave danger to the credibility of the judicial process. This has the propensity of endangering the credibility of other institutions and undermining public faith in democracy and the rule of law. This will happen when the agency of the court is utilised to settle extrajudicial scores. Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the rule of law. There is a danger that the judicial process will be reduced to a charade, if disputes beyond the ken of legal parameters occupy the judicial space."

- (16) In compliance with the directions of the Supreme Court in **State of Uttaranchal v. Balwant Singh Chauhan (supra)**, the Allahabad High Court Rules were also amended and Sub-Rule (3-A) was added under Chapter XXII Rule 1 w.e.f. 1.5.2010.

The aforesaid Rule reads as under:-

"(3-A) In addition to satisfying the requirements of the other rules in this chapter, the petitioner seeking to file a Public Interest Litigation, should precisely and specifically state, in the affidavit to be sworn by him giving his credentials, the public cause he is seeking to espouse; that he has no personal or private interest in the matter; that there is no authoritative pronouncement by the Supreme Court or High Court on the question raised; and that the result of the litigation will not lead to any undue gain to himself or anyone associated with him, or any undue loss to any person, body of persons or the State."

- (17) A simple reading of the aforesaid Rule reveals that in addition to the other requirements mentioned under Chapter for filing a writ petition, the person filing the petition in Public Interest should precisely and specifically, apart from other things, state his credentials and the public cause for which he is seeking to espouse. Therefore, disclosure of credentials and the public purpose sought to be espoused are also essential elements to be stated in initiating proceedings in public interest.
- (18) Tested on the angle of the aforesaid exposition of law, it would be noticed that in paragraph-3 of the writ petition, the writ petitioner has made his credential. Paragraph-3 of the writ petition is reproduced as under :-

"3. That the petitioner in compliance to Chapter-XXII, Rule-1 (3-A) of the Allahabad

High Court Rules submits that the petitioner is a local resident of the area and responsible citizen of country and is always helpful and social by nature and helps poor persons and children and helps needy persons.”

- (19) It appears that the petitioner, in the writ petition, except for mentioning that he is a local resident of the area and responsible citizen of Country and is always helpful and social by nature and helps poor persons and children and helps needy persons, has not stated anything covering any of the above essential requirements. In short, he has not disclosed his credentials.
- (20) The dictionary meaning of the word 'credentials' is the qualities and the experience of a person that make him suitable for doing a particular job. The Oxford English-English-Hindi Dictionary, 2nd Edition, explains credentials as the quality which makes a person perfect for the job or a document that is a proof that he has the training and education necessary to prove that he is a person qualified for doing the particular job.
- (21) The petitioner herein claims to be a Social Worker, but in order to substantiate the nature of the social work he is doing or seeks to do, he has not disclosed any experience that makes him suitable or perfect for doing the said job and no document in proof has been furnished.
- (22) Black's Law Dictionary, 10th edition, defines 'credential' a document or other evidence that proves one's authority or

expertise; a testimonial that a person is entitled to credit or to the right to exercise official power.

- (23) 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.
- (24) Considering the aforesaid definition(s) of the term 'credential' and the law on entertaining the PIL what we feel is that for maintaining the PIL the petitioner in the writ petition, in brief, should state, with proof, that what he has done and what expertise he has on the subject matter of PIL as also that what exercise (sufficient) has been carried out by the petitioner before the administration prior to knocking the door of the Court and that what injury would be caused to the downtrodden of the society or public at large if cause under PIL is not espoused by the Court.
- (25) The petitioner in filing this petition in Public Interest has not even disclosed that he is filing this petition on behalf of such disadvantageous persons or that injustice is meted out to a large number of people and therefore it has become necessary for him to come forward on their behalf.
- (26) In view of the aforesaid reasons and the law as laid down by the Apex Court, the petitioner is not a person, who has any

credentials to move in Public Interest. Simply on the averment/submission that he is a person involved in social work without disclosing his credentials and in the absence of the fact that the petition has been preferred in the interest of justice for large number of downtrodden persons who are unable to approach the Courts of Law, the petitioner is not entitled to maintain this petition in public interest that too in a matter which does not involve basic human rights.

(27) Moreover, it also transpires that twenty-nine criminal cases, as referred here-in-above, has been registered against the petitioner for the heinous offences including Goondas Act and this fact has not been mentioned in the writ petition, rather in paragraph-3 of the memo of the writ petition, the petitioner is stated on oath that he is responsible citizen and social worker. Thus, looking to the offences made in the twenty-nine criminal cases, which have been lodged against the petitioner, it cannot be said that the petitioner is a responsible citizen.

(28) Here, it would be necessary to notice that in a proceeding initiated under Section 122-B of the Act, 1950, the Assistant Collector has specifically observed that the writ petitioner has illegally encroached the land of the Gaon Sabha and as such, imposed penalty upon the petitioner. Moreover, the Zila Panchayat Gonda has filed second appeal no. 89 of 2020 in respect of land, bearing No. 471, which the petitioner herein claims to be encroached by the respondent no.7, before this

Court and the same is pending. Furthermore, one Satish Kumar has filed P.I.L. No. 31154 of 2019, seeking a writ of mandamus directing the respondents no. 1 and 2 to conduct a detailed enquiry into the illegal and unlawful act of grabbing government land situated on Gata No. 470, 473, 536, 537, 544, 545, 546, 577, 576 ga, 580 ka, 580 kha situate at Nagar Panchayat Mankapur, District Gonda. A Co-ordinate Bench of this Court, vide order dated 16.11.2019, dismissed the aforesaid public interest litigation.

(29) During the course of the arguments, learned Counsel for the petitioner have not disputed the fact that the aforesaid proceedings are not in the knowledge of the writ petitioner. Learned Counsel for the petitioner has also failed to show as to why he has not mentioned the criminal antecedents lodged against the writ petitioner, rather accepted the fact that twenty-nine criminal cases, as referred to hereinabove, have been registered against the petitioner. This itself shows the conduct of the writ petitioner while filing the instant writ petition in the form of Public Interest of Litigation.

(30) In **Jaipur Shahar Hindu Vikas Samiti v. State of Rajasthan and others** : (2014) 5 SCC 530, the Apex Court has cautioned about frivolous Public Interest Litigation in following words:-

"The concept of Public Interest Litigation is a phenomenon which is evolved to bring justice to the reach of people who are handicapped by

ignorance, indigence, illiteracy and other down trodden people. Through the Public Interest Litigation, the cause of several people who are not able to approach the Court is espoused. In the guise of Public Interest Litigation, we are coming across several cases where it is exploited for the benefit of certain individuals. The Courts have to be very cautious and careful while entertaining Public Interest Litigation. The Judiciary should deal with the misuse of Public Interest Litigation with iron hand. If the Public Interest Litigation is permitted to be misused the very purpose for which it is conceived, namely to come to the rescue of the poor and down trodden will be defeated. The Courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of Public Interest Litigation, the Courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people, whose rights are adversely affected or at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under a particular statute, the parties should be relegated to the appropriate forum, instead of entertaining the writ petition filed as Public Interest Litigation."

(31) In view of aforesaid discussions, not only there is no merit in this petition, but the same is also mischievous and has only resulted in wastage of precious Court's time, which could have been better utilized for disposal of the cases for genuine litigant(s).

(32) Accordingly, the instant petition is dismissed with costs of Rs.5,00,000/- (Rupees Five Lacs) to be paid/deposited by the petitioner before the Senior Registrar of this Court within three months, failing which, the learned Senior Registrar of this

Court shall initiate proceedings for recovery of the aforesaid costs, in accordance with law, from the petitioner as arrears of land revenue. On receipt of the aforesaid cost/amount, the Senior Registrar of this Court shall transmit it to the account of Uttar Pradesh Rani Lakshmi Bai Mahila Samman Kosh, which has been notified as Juvenile Justice Fund w.e.f. 4th January, 2017 under the Department of Women and Child Development, Government of Uttar Pradesh in pursuance of the provisions of Section 105 of Juvenile Justice (Care & Protection of Children), Act 2015 and a receipt showing that the amount has actually been transmitted to the aforesaid account shall be brought in the instant writ petition. It is further provided that the amount of the said cost shall be utilized for the welfare of poor children.

(Vivek Varma, J.) (Ramesh Sinha, J.)

Order Date :- 26.11.2021

Arnima/-