

(1987) 10 SC CK 0027

In the Supreme Court Of India

Case No : Writ Petition (Civil) No. 849 of 1987

Charan Lal Sahu

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 09-10-1987

Acts Referred:

Citation : AIR 1988 SC 107 : (1988) CriLJ 181 : (1987) 4 JT 128 : (1989) 1 SCALE 1591 : (1987) 2 SCALE 754 : (1988) 3 SCC 255 : (1988) 1 SCR 441

Hon'ble Judges : Ranganath Misra, J;K. N. Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This application has been filed by an Advocate of this Court by way of a public interest litigation. It had been listed earlier and learned Attorney General had entered appearance on behalf of the Union of India.

2. We have heard the petition. It has been couched in unsavoury language and the petitioner seems to have made an intentional attempt to indulge in mud-slinging against the advocates, this Court in particular as also other constitutional institutions. Many of the allegations in his writ petition are likely to lower the prestige of this Court as the apex judicial institution. At one place in the writ petition, he has alleged:

Thus the working of the Judges are cocktail based on Western Common Laws and American techniques, as such unproductive and out dated according to socio-economic conditions of the country.

At one another place, the petitioner has stated that:

This Court has become a constitutional liability without having control over the illegal acts of the Government ...Thus the people for whom the Constitution is meant have now turned down their, faces against it which is a dis-illusionment for fear that justice is a will of the Wisp.

3. Yet at another place the petitioner has stated that this Court is sleeping over the issues like 'Kumbhkarna.' The reading of the writ petition gives the impression that it is clearly intended to denigrate this Court in the esteem of the people of India. We are of the prima facie view that the petition has been drawn up with a designed purpose of bringing the Court into contempt and the petitioner is, therefore, prima facie guilty of contempt.

4. The writ petition has been drafted in a careless manner. At several places the pleadings are meaningless. At several other places they are contradictory. The allegations are clumsy and several irrelevant facts have been put into the petition to inflate its size.

5. The petitioner has left out no institution from his attempt of mud-slinging. We have a feeling that while drawing up the petition the petitioner has considered himself to be the only blemish less person and everyone else including social institutions to be blame-worthy. We are surprised that an advocate practising in this Court with considerable experience has chosen to act in such an irresponsible manner. The writ petition, in our opinion, therefore, deserves to be dismissed. We, accordingly, dismiss the writ petition.

6. We direct the Registry to draw up an appropriate proceeding for contempt and issue notice to the petitioner calling upon him to show cause in person on 9.11.1987 as to why he may not be proceeded under the Contempt of Court Act.

7. At page 41 of his petition, the petitioner has stated:

This is a public interest litigation in the interest of independence of judiciary and social justice...

We are of the view that the petition is an act against public interest. The petitioner has certainly over-stepped the limit of self-restraint, so much necessary in a public interest litigation. We direct the Registry not to entertain any application by way of public interest litigation by the petitioner in future.