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**(2000) 08 DEL CK 0047**

**In the Delhi High Court**

**Case No : C.W.P 2193 of 2000, CWP 2192 of 2000**

Dr. Ambedkar Basti Vikas Sabha and Bhanwar Singh Camp  
(Rajasthani)

APPELLANT

Vs

Delhi Vidyut Board and Others

RESPONDENT

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**Date of Decision : 02-08-2000**

**Acts Referred:**

**Citation : AIR 2001 Delhi 223**

**Hon'ble Judges : Dr. Arijit Pasayat, C.J;D.K. Jain, J**

**Bench : Division Bench**

**Advocate : Mr. M.S. Dahiya, for the Appellant; Mr. N.S. Dalal, for the Respondent**

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## **Judgement**

Arijit Pasayat, CJ.

1. These two writ petitions stated to have been filed in public interest involve identical questions and Therefore, are taken up for disposal together .

2. Grievance in each case is that contracts of respondent No. 2 - Anil Kumar, in CW 2192/200 and Vikramjit Singh respondent No. 2 in CW 2193/2000 entered into with respondent No.1-Delhi Vidyut Board (in short, the Board) are without authority of law and have to be revoked. Instead contracts should be entered into with petitioners.

3. The prayers each of in the writ petitions are as follows:

(i) issue a writ of mandamus directing respondent 1 to appoint the petitioner as authorized contractor immediately;

(ii) issue a writ of mandamus directing the respondent No.1 to revoke/cancel the contract of respondent the same being void and also direct the respondents not to refund the security deposited by respondent No.2 as the same has been collected from the petitioners by respondent No.2 and the same be adjusted in the account of the petitioners;

(iii) issue a writ of mandamus directing the CBI to register a case for swindling of petitioner's money by the concerned employees of the respondents 1 and 2 and respondent No.3."

(iv) issue such other and further orders or directions as this Hon'ble court deems fit and proper in the facts and circumstances of the present case.

4. The case of the petitioners is that a scheme was introduced by the Board for providing electric connection to dwellers of J.J. cluster in R.K. Puram, area, New Delhi. (subject matter of CW 2193 of 2000 and JJ cluster at Vasant Vihar, near "D" Block (subject matter of CW 2192 of 2000). Originally a scheme for electrification of J.J. clusters was announced. But it was subsequently withdrawn and a new scheme for electrification of JJ clusters was announced. Petitioners in each case applied for the same. Demands were raised by the Board and petitioners deposited requisite amounts. Agreements were also executed between the petitioners and the Board. Subsequently, agreements were entered into with respondent No.2 in each case. It is the case of petitioners that malafides are involved and subsequent contracts were illegal. Petitioners should have been given priority and contracts should be entered into with them. With the aforesaid grievances the writ petitions have been filed with prayer as noted above.

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 issues involved in the present cases, 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". There must be real and genuine public interest involved in the litigation and it cannot 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. 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 Apex Court in *Janata Dal Vs. H.S. Chowdhary and Others*, and *State of Maharashtra and Others Vs. Uttamrao Rayala Nikam*, . 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 hand, clean mind and clean objective. (See. *The Ramjas Foundation and Others Vs. Union of India and Others*, and *K.R. Srinivas Vs. R.M. Premchand and Others*, .

6. It is necessary to take note of the meaning of expression "public interest litigation". In *Strouds Judicial Dictionary*, Volume 4 (IV Edition), "Public Interest"

is defined thus:

"Public Interest (1) a matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected."

In Black's Law Dictionary (Sixth Edition), "public interest" is defined as follows:

"Public interest something in which the public, or some interest by which their legal rights or liabilities are affected. It does not mean anything the particular localities, which may be affected by the matters in question. Interest shared by national government.."

In *Janta Dal Vs. H.S. Chowdhury* (supra) the Supreme Court considered the scope of public interest litigation. In para 52 of the said judgment, the Supreme Court after considering what is public interest, has laid down as follows:

"The expression 'litigation' means a legal action including all proceedings therein initiated in a court of law for the enforcement of right or seeking a remedy. Therefore, lexically the expression "PIL" means the legal action initiated in a court of law for the enforcement of public interest or general interest in which the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected."

In para 60, 61 and 62 of the said judgment, the Supreme Court pointed out as follows:

"Be that as it may, it is needless to emphasis that the requirement of locus standi of a party to a litigation is mandatory, because the legal capacity of the party to any litigation whether in private or public action in relation to any specific remedy sought for has to be primarily ascertained at the threshold."

In para 96 of the said judgment, the Supreme Court has pointed out as follows:

"While this court has laid down a chain of notable decisions with all emphasis at their command about the importance and significance of this newly developed doctrine of PIL, it has also has toned to sound a red alert and a note of severe warning that Courts should not allow its process to be abused by a mere busy body or a meddlesome interloper or wayfarer or officious intervenor without any interest or concern except for personal gain or private profit or other oblique consideration."

In paras 107, 108 and 109 of the said judgment, the Supreme Court pointed out as follows:

"It is thus clear that only a person acting bona fide and having sufficient interest in the proceeding of PIL will alone have a locus standi and can approach the court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or private profit or

political motive or any oblique consideration. Similarly a vexatious petition under the colour of PIL brought before the court for vindicating any personal grievance, deserves rejection at the threshold."

7. It is depressing to note that on account of such trumpery proceedings initiated before the Court, innumerable days are wasted which time other wise 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 grievance go unnoticed, unrepresented and unheard; yet as 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 unauthorized collection of tax amounts are locked up, detenu 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 Court and having their grievances redressed, the busybodies, meddlesome 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 Court by filing vexatious and frivolous petitions and thus criminally waste the value time of the Courts and as a result of which the queue standing outside the doors of the Court 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.

8. 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 publicity seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta. As indicated above, Court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation of other oblique consideration. The Court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busy bodies deserve to

be thrown out by rejection at the threshold.

9. The Council for Public Interest Law set up by the Ford Foundation in USA defined the "public interest litigation" in its report of Public Interest Law, USA, 1976 as follows:

"Public Interest Law is the name that has recently been given to efforts provide legal representation to previously unrepresented groups and interests. Such efforts have been undertaken in the recognition that ordinary market place for legal services fails to provide such services to significant segments of the population and to significant interests. Such groups and interests include the proper environmentalists, consumers, racial and ethnic minorities and others."

The Court has to be satisfied about (a) the credentials of the applicant: (b) the prima facie correctness of 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 interest: (1) 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.

10. Test litigation, representative actions, Pro Bono Publico, and like broadened forms of legal proceedings are in keeping with the current accent on justice to common man and a necessary disincentive to those who wish to by-pass the real issues on merits by suspect reliance on peripheral, procedural shortcomings.

11. Courts must do justice by promotion of good faith, and prevent law from crafty evasions. 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 and Others Vs. Prabhu, , and Andhra Pradesh State Financial Corporation Vs. M/s. GAR Re-Rolling Mills and another, ). No litigant has a right to unlimited drought 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 license to file misconceived and frivolous petitions. [See. Dr. B.K. Subbarao Vs. Mr K. Prasaran 1966 (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. They must be above suspicion. As observed in Shri Sachidanand Pandey and Another Vs. The State of West Bengal and Others, ,

while the Courts soar high along with migratory birds into realms of ecology, environmental protection, public interest, natural justice, arbitrariness, eminent domain and the like, it has ultimately to come down from these ethereal regions to the terra firma, faced with reality that the case is devoid of merit and has only to be dismissed. There is a need for restraint on the part of public interest, litigants, when they move court. One is to think that it must be a threat to Court and public alike when such cases are filed without rhyme or reason.

12. Stand of the petitioner in essence relates to a contract and the prayer portion of the Writ Petition would go to show that challenge is to the appointment of respondent No. 2 in each case as a contractor. Such a dispute can by no stretch of imagination be called a public interest litigation. Learned counsel for the petitioner stated that there is, inter alia, a prayer for investigation by CBI and, Therefore, it is in the nature of Public Interest Litigation. Annexure-7 in each case indicates reasons as to why arrangement could not be made with the petitioners. In para 8 of the writ petition, it has been stated that the plea of technical problems was not correct. This is a factual dispute which cannot be gone into in a writ petition styled to be a public interest litigation. The controversy on the own showing of the petitioner is of contractual nature. This is borne out from ground No.3 reading as follows. The said ground which is extracted below as well as relief claimed also show the private dispute between the parties:

"Respondent No. 2 is the wife of an named accused in FIR lodged by the petitioners for swindling of Rs.12 lacs in connection with the previous electrification scheme of 1995 of the respondent No.1 for the JJ cluster. She has been appointed authorised contractor on priority basis over the petitioners who applied for the same much before respondent No.2. And is a social worker of long standing having total faith and confidence of the residents."

13. The grounds are common in both the writ petitions i.e. CW 2192/2000 and 2193/2000. The vagueness of the grounds and false statement on oath are clearly borne out because respondent No. 2 in CW 2192/2000 is one "Anil Kumar son of Shri Jitender Singh". By no stretch of imagination he can be "the wife of a named accused in FIR". This speaks volumes about the base less and vague allegations made in the petition. It is plain and simple private interest litigation filed in a casual manner, giving the eye-catching title of public interest litigation.

14. Learned counsel for the petitioner stated that there is, inter alia, a prayer for investigation by CBI and, Therefore, it is in the nature of Public Interest Litigation. We find no substance in this plea because by merely incorporating a prayer for investigation by CBI, a purely personal litigation or a contractual litigation cannot be made a PIL. In our view, there is no element of public interest present in these cases and Therefore we dismiss them.