

(2021) 03 DEL CK 0343

In the Delhi High Court

Case No : Civil Writ Petition No. 10790 Of 2020, Civil Miscellaneous Application No. 33839-33840 Of 2020

Dr. N. Bhaskara Rao And Another

APPELLANT

Vs

Union Of India And Another

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Citation : (2021) 03 DEL CK 0343

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Jasmeet Singh, J

Bench : Division Bench

Advocate : Shanmuga Patro, Chetan Sharma, Ajay Digpaul, Kamal Digpaul, Amit Gupta, Vinay Yadav, Akshay Gadeock, Sahaj Garg, R.Venkat Prabhat, Sameer Vashisht

Final Decision : Dismissed

Judgement

D.N.Patel, CJ

1. This so called public interest litigation has been preferred with the following prayers:-

"(a) Direct Respondent No. 1 to uniformly implement National Litigation Policy launched on 23rd June, 2010 (Annexure P-2) along with progressive changes subsequently brought into such policy, if any, amongst all Ministries, Departments, Instruments, PSUs and Apparatus under Respondent's control, and similar directions to Respondent No. 2 in respect of State Litigation Policy, while determining a strict time schedule to be followed by the Respondents.

(b) Consequent upon aforesaid directions, kindly consider issuing appropriate rule / direction / practice direction to Registry of this Court to put in place and/or insist upon a conditionality, for registration of Government litigation and/or Government's defense or counter affidavit in any pending litigation, of an undertaking or certificate from Government litigant to the effect that the case / appeal / defence is being filed in due compliance with Litigation Policy with

further direction to issue similar instructions to all courts, tribunals and commissions coming under territorial / administrative jurisdiction of this Hon'ble Court.

(c) Pass such further or other order(s) as this Hon'ble court may deem fit and proper on the facts and in the circumstances of the case and in the interests of Justice."

2. Having heard the petitioner No.2 in person and looking into the facts of the case it appears that this public interest litigation has been preferred for strict implementation of the National Litigation Policy of the year 2010 by the respondents.

3. There cannot be such type of a prayer seeking implementation of a particular policy. In case of any violation of the policy, petitioners can always bring to the notice of the Court such violation with proper averments, allegations and annexures and by joining the concerned parties as respondents so that notice can be issued, and after giving due hearing to the concerned parties an order or a particular writ can be issued by this Court.

4. As for example, everybody should follow the Indian Penal Code. If there is any violation of the Indian Penal Code, such violation can be brought to the notice of the concerned Court and action can be initiated against such violator. Such a petition seeking implementation of any policy cannot be entertained. It is always open for the petitioner that if there is any violation of the National Litigation Policy by any institution or head of institution, such violation can be highlighted in proper proceedings so that the said violator can be heard by the Court and action can be initiated. Hence we see no reason to entertain the prayers in the instant writ petition as this writ petition is devoid of any merit.

5. In view of the aforesaid, we do not see any reason to entertain this writ petition. The petition along with pending applications are accordingly dismissed with costs of Rs.2,000/- to be paid by the petitioner to the Delhi State Legal Services Authority within four weeks from today. The aforesaid amount shall be utilized for the programme 'Access to Justice'.

6. A copy of this order be sent forthwith to the Member Secretary, Delhi State Legal Services Authority, Patiala House Courts, New Delhi- 110001.