(2018) 08 MP CK 0210

In the Madhya Pradesh High Court

Case No : Writ Petition No.72 Of 2017 (PIL)

Dr. Tapan Bhattacharya APPELLANT

Vs

Ministries Of Industries & Others RESPONDENT

Date of Decision : 27-08-2018

Acts Referred:

Madhya Pradesh State Industrial Land and Building Management Rules, 2015 — Rule 10(1), 10(10)(1), 11(2), 12, 12(ii)(k), 25, 25(d), 26, 27
Constitution of India, 1950 — Article 14, 21, 162

Citation : (2018) 08 MP CK 0210

Hon'ble Judges : P.K. jaiswal, J;S.K. Awasthi, J

Bench : Division Bench

Advocate : A.M. Mathur, A. Dhanodkar, P. Kaurav, Bhakti Vyas, Saransh Jain

Final Decision : Dismissed

Judgement

P.K. Jaiswal, J

The writ petitioner (Dr. Tapan Bhattacharya), has filed this Public Interest Litigation against the allotment of land ad- measuring 40 acres to

respondent no.5 (M/s. Patanjali Ayurvedic Ltd. Padarth).

2. According to the petitioner, the allotment of 40 acres of land to M/s. Patanjali Ayurvedic Ltd on 10.8.2016 is in violation to the provisions of the

M.P. State Industrial Land and Building Management Rules, 2015, Industrial Promotion Policy, 2014 and Action Plan and is in violation to Article 14

and 21 of the Constitution of India. The writ petitioner has prayed for the following relief :-

â??(i) declare the Rule 25(d) ultra vires being arbitrary and violative of Article 14 of the Â

(ii) Declare the Rule 10.1 of the Rules of 2015 ultravires being arbitrary and violative of Article 14 of the Constitution.;

(iii) Cancel the allotments already made contrary to the principles laid down by the Supreme Court in the matter of granting largessee in the form of

industrial plots to the investors;

(iv) Cancel the allotments made, if any, in favour of Patanjali Company (respondent No.5) and Baba Ramdev (respondent No.6)

(v) Direct the respondents to look to the interests of farmers and not acquire any agricultural land of any farmer in the name of industrial development.

(vi) Any other suitable relief that this Hon'ble Court deems fit.â??

3. This is second round of litigation. Earlier W.P.No.6994 of 2016 (PIL) and W.P.No.7033/2016 (PIL) has been dismissed by the Division Bench of

this court on 17.10.2016. Order dated 17.10.2016 reads as under :-

â??They are heard at length on the question of admission.

2. Petitioner â?" Dr. Tapan Bhattacharya is a Social Activist and has no personal interest of his own in filing these writ petitions.

3. In W.P. No.6994/2016(PIL), the petitioner is challenging the tailor made Small and Micro Industries Rules, 2016 amending the Small Scale and

Micro Industries Rules, 2012 on the ground that the same has been amended to give undue benefit to the Patanjali Food Processing Company. The old

policy had a provision to give only 10 Acreas of land for the food processing unit, but the State Government in order to benefit and profit Patanjali

company , changed the policy and the Rules and allotted 40 Acres of land to Patanjali Company, which is going to invest a sum of Rs.500 Crores in

Madhya Pradesh. The land has been allotted to the said company @ Rs.25.00 Lakhs per Acre whereas the cost of this land is atleast 5 to 10 times

more than Rs.25.00 Lakhs per acre.

4. The petitioner through newspapers came to know about the allotment the said land to the Patanjali Company, District-Dhar to establish the Food

Processing Unit and, therefore, he came to know about the aforesaid allotment and prayed for the following reliefs:-

That by a suitable writ, direction or order, this Hon'ble Court may be pleased to -

(i) quash/set aside the Small Scale and Micro Industries Rules, 2016;

(ii) quash/set aside the allotment order of land, if any, in favour of Patanjali Food Processing Company owned by Baba Ramdev;

(iii) State Government by a writ of prohibition be restrained from selling the Patanjali's food products through cooperative societies and Fair Price

shops;

(iv) Any other suitable relief that this Hon'ble Court deems fit.

5.In W.P. No.7033/2016, the petitioner is praying for the following reliefs:-

(i)direct the respondents to cancel the Global Investors Summit to be held on 22nd and 23rd October, 2016;

OR

If investors' Meet is at all held, this decision should be subject to the decision of this petition;

(ii) cancel the allotments already made contrary to the principles laid down by the Supreme Court in the matter of granting largesse in the form of

industrial plots to the investors;

(iii) there should be no favourable treatment to the big industrial houses like Adani, Ambani who are defaults of banks, Patanjali and the like in the

matter of allotment of lands. The State be directed to cancel the allotments made against the constitutional norms set up by the Supreme Court in

contravention of Article 14 in various decisions showing transparency, fairness, impartiality with opportunity to all;

(iv) direct the respondents to look to the interests of farmers and not acquire any agricultural land of any farmer in the name of industrial development.

(v) Any other suitable relief that this Hon'ble Court deems fit.

6. According to the petitioner, the Industries Department of State Govt. of Madhya Pradesh in 2012 framed Small Scale and Micro Industries Rules,

2012 under Article 162 of the Constitution of India. Under the Rules of 2012, the maximum limit of land to be allotted was 10 Acres. In 2016, the

same has been changed and now 40 acres land could be allotted to an industry. It is also submitted that Rules has been changed just to give benefit to

Patanjali Company.

7. It is also averred that on 22nd and 23rd October, 2016, State Government of Madhya Pradesh is holding the Global Investors Summit at Indore. The

State Government much prior to the Global Investors Summit allotted land to Patanjali Company, MicroMax, Ajanta Pharma, Motherson, Wander

Cement, Dhut Transmission, German Company, Hitachi, ZF Gears and SRF. It is also stated that the M.P. Government has allotted 71,000 Acres of

land to the industrialists on the hope that the industries will be set up and the employment will rise in the State, but only 12 industries were set up. In 8

years there were 10 industrial summits on which the amount of Hundred Crores was spent, there were agreements with 245 companies, but no

industry was set up.

8. In Madhya Pradesh, there has been no increase in production of agriculture produce but the agricultural land is being gradually reduced and in its

place the industries are coming. The result of 10 summits is that the agriculture has been ruined but no industries were set up. The financial condition

of the State Government is bad, but inspite of that huge money has been spent by the State Government in Global Investors Summit. The Summit is

going to be held in the 'Brilliant Convention Centre' at Indore and the State Government is investing Rs.30 Crores for Global Investors Summit by the

Municipal Corporation for beautification and construction of road-divider, railing, boundary wall of green belt, painting on grills, VIP route etc.

9. Learned Senior Counsel for the petitioner has submitted that big industrial houses had taken thousands of crores of rupees from Nationalized Bank

and they are in bad shape, but inspite of that Government is going to allot land to them for setting up of industries on a throwaway price.

10. In Dhar, Jhabua, Ratlam and Ujjain, the State Government is converting / transferring the agriculture land for industrial purpose. The lands are

being allotted arbitrarily, discriminatory, malafidely and without following the principles of allotment of Government largess and the law laid down by

the apex Court in the case of City Industrial Development V/s. Platinum Entertainment, [AIR 2015 SC 340], Akhil Bhartiya Upbhokta Sangh V/s.

State of M.P. & Ors., [AIR 2011 SC 1834], Brij Mohanlal V/s. Union of India, [(2012) 6 SCC 502 and Swaraj Abhiyan (I) V/s. Union of India, [AIR

2016 SC 2929]. It is also submitted that if industrial houses are set up in Indore, Dhar, Jhabua, Ratlam District then no agriculture land, no trees, no

greenfield will be left. The entire environment will be polluted. The underground drinking water will also be polluted and villagers around are going to

suffer from various diseases. As per newspaper cutting dated 26/09/2016(Annexure-P/10), the water of 12 villages in Indore District is not portable because it contains Arsenic, Iron Nitride and others. The allotment of land to the defaulters of the banks is a threat to the life and property of the

residents of Madhya pradesh resulting in violation of Article 21 of the Constitution. The Investors Summit is a further serious danger to the

environment of Indore district which is impermissible and violative of Article 14 and 21 of the Constitution.

11. Learned Senior Counsel for the petitioner has also pointed out that in Indore 75% crop is destroyed and no insurance or help is made available to

the farmers. Due to heavy industries the farmers are migrating and also committing suicides. The State Government inspite of clear direction made by

the Apex Court in the case of Swaraj Abhiyan (supra), the persons who are living in drought affected area, the State Government is not providing food

grains as required under the NFS Act and also to those persons whose land has been acquired are affected by delayed payment of compensation. The

petitioner also prayed that the Summit which are going to be held on 22 nd and 23rd October, 2016 should be cancelled or the entire plan should be

modified in the following manners:-

(i) All the allotments made till now be cancelled;

(ii) Tender should be called for allotment of land to the tune of 1.10 Lakh Acres from the Land Bank and equal opportunity should be given to

investors from various parts of the country;

(iii) The arbitrary and unreasonable allotments already made in favour of the industries like Patanjali Food products of Baba Ramdev, Micromax and

others must be cancelled;

(iv) The Summit should be open to all investors in the country and from those who have a clean record without any public debt of banks should be

considered;

(v) The expenditure of 30 Crores of rupees on Summit on one and half days must be curtailed by 3/4th because it is an extravagant expenditure. The

investors must be charged boarding and lodging charges who stay in various rooms of the hotels in Indore. The transportation should also be charged

from them. They are moneyed people and they can afford to do so.

(vi) The proposed expenditure of rs. 3 Crores on beautification should be curtailed from Rs. 3 Crores to maximum Rs. 10 Lakhs and balance money be spent on schools, M.Y. Hospital and colonies of poor, Scheduled Caste, Scheduled Tribe and minorities;

(vii) The Government undertaking which are taking part in the Summit, the State Government, the Municipal Corporation must publish their accounts

for the information of public after the Meet if at all held for public audit;

(viii) The officers of the stay should be reduced in the Convention Centre from 7 days to 3 days.

(ix) The items in the dinner should be curtailed and the lunch and diner charges should not exceed more than Rs.200/- to 500/- per plate. The

extravagant expenses should be spent for paying proper compensation to the farmers whose crops have been damaged in the untimely rains in

October.

12. Per contra, Shri Jain, learned AAG orally opposed about the maintainability of the writ petition and has drawn our attention to the Industrial

promotion policy 2014 and action plan of the Government M.P. and submitted that the investors shall have to register their proposal with the Single

Window System developed by MPTRIFAC and obtain a registration number to avail incentives under this policy. An on-line investor Monitoring and

Facilitation System is provided for investor and a time bound clearance mechanism for approvals. Land Bank has been established in the State for

industrial purpose by identifying suitable Government / private lands. To increase the growth, the State Government started organizing industrial trade

fairs on a regular basis at national and international level through Madhya Pradesh Trade Fair Authority. In order to further enhanced the rate,

developed industrial land shall be made available at competitive price to the investors, the State Government created investment corridors. They are

allotting the land strictly as per the policy framed by the State Government. The Industrial Promotion Policy, 2014 and action plan has been published

in M.P. Gazette on 1.10.2014. The industrial policy is neither arbitrary or based on irrelevant consideration or mala fide or against any statutory

provisions and does not call for any interference by this court in exercise of power of judicial review. It satisfies the parameter fixed by the Apex

Court from time to time. He further submitted that the primary and center purpose of judicial review of the administrative action is to promote good

administration. It is to ensure that administrative bodies act efficiently and honestly to promote the public good. They should operate in a fair,

transparent, and unbiased fashion, keeping in forefront the public interest.

13. The Apex Court in M.P. Oil Extraction V/s. State of M.P. reported as 1997 (7) SCC 592, held that unless the policy framed is absolutely

capacious, unreasonable and arbitrary and based on mere 'ipse dixit' of the executive authority or is invalid in constitutional or statutory mandate,

court's interference is not called for. Para 26 and 27 are relevant which reads as under :-

â??26. It cannot be doubted that the primary and central purpose of judicial review of the administrative action is to promote good administration. It is

to ensure that administrative bodies act efficiently and honestly to promote the public good. They should operate in a fair, transparent, and unbiased

fashion, keeping in forefront the public interest. To ensure that aforesaid dominant objectives are achieved, this Court has added new dimension to the

contours of judicial review and it has undergone tremendous change in recent years. The scope of judicial review has expanded radically and it now

extends well beyond the sphere of statutory powers to include diverse forms of 'public' power in response to the changing architecture of the

Government. Thus, not only has judicial review grown wider in scope; its intensity has also increased. Notwithstanding the same,

â??it is, however, central to received perceptions of judicial review that courts may not interfere with exercise of discretion merely because they

disagree with the decision or action in question; instead, courts intervene only if some specific fault can be established â?" for example, if the decision

was reached procedurally unfairâ??.

27. The raison d'etre of discretionary power is that it promotes decision maker to respond appropriately to the demands of particular situation. When

the decision making is policy based judicial approach to interfere with such decision making becomes narrower. In such cases, in the first instance, it is

to be examined as to whether policy in question is contrary to any statutory provisions or is discriminatory/arbitrary or based on irrelevant

considerations. If the particular policy satisfies these parameters and is held to be valid, then the only question to be examined is as to whether the

decision in question is in conformity with the said policy.â??

14. In the case of Brij Mohanlal V/s. Union of India & Ors., reported in 2012 (6)

SCC 502, the Apex Court underlined the principle in the following

manner :-

â??100. Certain tests, whether this Court should or not interfere in the policy decisions of the State, as stated in other judgments, can be summed up

as :-

(i) If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

(ii) The change in policy must be made fairly and should not give impression that it was so done arbitrarily on any ulterior intention.

(iii) The policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc.

(iv) If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.

(v) It is dehors the provisions of the Act or legislations.

(vi) If the delegate has acted beyond its power of delegation.â??

15. Learned Senior counsel for the petitioner has drawn our attention to para 35, 49, 50 of the decision(s) of the Apex Court in the case of City

Industrial Development V/s. Platinum Entertainment (supra), para 19, 29, 32 and 34 of Akhil Bhartiya Upbhokta Sangh V/s. State of M.P. & Ors.

(supra), law laid down by the Apex Court in the case of Dhiren Arvind Mehta V/s. Registrar Administration, High Court of Gujarat & Ors., reported

as 2015 (9) SCC 412, paragraph 43 of the judgment of the Apex Court, reported as 2016 (7) Scale 484, para 26 in the case of Gridco Ltd & Anr. V/s.

Sadananda Doloi & Ors. reported as AIR 2012 SC 729, para 53 and 55 in the case of Indian Council for Enviro-Legal Action, Etc., V/s. Union of

India & Ors. etc., reported as AIR 1996 SC 1446, para 1, 4 and 14 in the case of Vellore Citizens Welfare Forum V/s. Union of India & Ors.,

reported as AIR 1996 SC 2715, para 36 of Municipal Corporation of Greater Mumbai & Ors. V/s. Kohinoor CTNL Infrastructure Co. Pvt. Ltd &

Anr . reported as 2014 (4) SCC 538, Common Cause V/s. Union of India reported as 2015 (7) SCC 1 and reported as Sant Longwal Institute of

Engineering & Technology & Anr. V/s. Suresh Chandra Verma reported as 2013 Vol. X SCC 411 and submitted that the allotment of the lands is a

great hazard to the Districts Dhar, Ujjain Ratlam and Indore and life and property of the residents of Madhya Pradesh resulting in violation of Article

14 of the Constitution of India.

16. Shri S. Jain, learned AAG has drawn our attention to the latest decision of the Apex Court in the case of Centre For Public Interest Litigation V/s.

Union of India & Ors., reported as 2016 (6) SCC 408 and submitted that minimal interference is called for the Courts, in exercise of judicial review of

a Government policy when the said policy is the outcome of deliberations of the technical experts in the fields inasmuch as Courts are not well-

equipped to fathom into such domain which is left to the discretion of the executive. In paragraph 24, Hon'ble the Supreme Court stated as under :-

â??When it comes to the judicial review of economic policy, the Courts are more conservative as such economic policies are generally formulated by

experts.â??

17. The function of the court is to see that lawful authority is not abused but not to appropriate to itself the task entrusted to that authority. It is well

settled that a public body invested with statutory powers must take care not to exceed or abuse its power. It must keep within the limits of the

authority committed to it. It must act in good faith and it must act reasonably. Courts are not to interfere with economic policy which is the function of

experts. It is not the function of the courts to sit in judgment over matters of economic policy and it must necessarily be left to the expert bodies. In

such matters even experts can seriously and doubtlessly differ. Courts cannot be expected to decide them without even the aid of experts.

18. Normally, a PIL cannot be entertained solely on the basis of information published in the newspapers. However, if a person is unable to have

access in the court for any reason and the right of the life and liberty is involved PIL can be entertained. As per the averments made in both the writ

petitions, there is no material that the so call allotment of the land to the industrialist, had been made in violation of any enactment, statutory rule and

regulation. Nor there is anything on record to say that the so called grant of land has been made deviation from the policy framed by the State

Government. The Government policy can be only be challenged when it offends some constitution or statutory provision This court cannot strike down

a Government policy decision merely because another policy decision could be fairer, wiser or more scientific or logical unless the policy decision is

malafide or in-conferred with law interference with the same would be warranted.

19. Keeping in mind the aforesaid parameter of judicial review, we find no merit in both these writ petitions, hence the same are liable to be dismissed.

20. However, we grant liberty to challenge the grants of land, if the same is contrary to the policy, if the same is in violation of any statutory or

industrial policy framed by the Government individually in accordance with law.

21. With the aforesaid, both the writ petitions stand dismissed.â??

4. Brief facts of the case are that the State Government has framed the Industrial Promotion Policy, 2014 and Action Plan to achieve inclusive growth

and bring economic prosperity to the people of Madhya Pradesh through sustainable industrialization, employment generation and skill set

enhancement. The policy aims to improve the business environment in Madhya Pradesh by simplifying procedures across various departments in the

State by strengthening the Single Window System to enable the investors to conduct their business with ease. The procedure for allotment of industrial

land is a transparent procedure. On availability of any industrial land for allotment within the industrial area of M.P. Audyogik Kendra Vikas Nigam

Ltd., (for short 'MPAKVN') a subsidiary of M.P. Trade and Investment Facilitation Corporation Ltd (for short 'MPTRIFAC'), the status of vacant

land is uploaded online. The industry interested to set up a unit in the industrial area of MPAKVN (I) needs to apply online to the website of

MPAKVN, ie., www.mpakvnindore.com.

5. The 2014 Policy shall come into force on the date of its notification in the Government of M.P. Official Gazzette. The investors shall have to

register their proposal with the Single Window System developed by the respondent No.4 and obtain a registration number to avail incentives under

this policy. The registration number will be trackable online, so that investor will be able to locate the status of his proposal at any given time. As per

Industrial Policy, 2014 and Action Plan Cabinet Committee of Investment Promotion (CCIP) has been constituted with the Chief Minister as

Chairman and Ministers of Finance, Commercial Taxes and Industries Deptt. as members as part of the Special Package, CCIP can sanction fiscal

concessions, tax exemptions, government dues and royalty deferments and any other incentives. The State Level Committee will be headed by the

Chief Secretary and shall consist of Principal Secretary Commercial Tax Department, Principal Secretary Commerce, Industry & Employment

Department and three Principal Secretary of Government of M.P.

6. As per Rule 10.2 Industrial Promotion Policy, 2014, where the value of the project is over Rs.25.00 Crores, then the project is considered as mega

project. Applications for mega projects are considered by CCIP under Industrial Promotion Policy, 2014 and according to the project, incentives /

concession are granted under Clause 4.2.1 of the Industrial Policy 2014, which states thus :-

â??4.2 Cabinet Committee on Investment Promotion (CCIP)

4.2.1 CCIP has been constituted with Chief Minster as Chairman and Ministers of Finance, Commercial Taxes and Industries Department as

members. The CCIP has authority to deal with all issues relating to Industrial promotion. The CCIP is fully empowered to sanction a customized

package of assistance beyond what has been explicitly provided in this policy. Such packages shall be available only to Mega Scale Industrial Units.â??

7. The respondent No.5 is Mega Scale Industrial Unit and showed an investment of Rs.500 Crores with the proposal to provide employment

opportunities to the farmers and others in food and agricultural processing, therefore, applied (online land application) for allotment of vacant land of

1,68,245 Sq. Mtrs. (approximately 40 acres) on plot Nos.804, 806 and 807 for establishment of processing unit for fruits and vegetable juices with

annual capacity of 600000 MT at Pithampur-3-Bagdoon Distt. Dhar. Along with application, he deposited processing fees of Rs.10,000/- and advance

premium of Rs.10,000,000/-as is evident from Annexure P/4. As per Industrial Promotion Policy, 2014, the allotment shall be made by the Government

of M.P. and, therefore, his application was processed to the Government of M.P. The land in question was earlier allotted to M/s. Madhu Milan

Syntax Pvt. Ltd. Later on, they withdraw from their proposal to set up the industry and, therefore, after taking possession from the said allottee, a

proposal was sent to the State Government for allotment of land in favour of the respondent No.5.

8. As per project report the respondent No.5 â?" M/s. Patanjali Ayurvedic Ltd., is a Public Limited Company incorporated under the Indian

Companies Act, 1956.

9. The Government of M.P. vide order dated 10.8.2016, decided to allot 40 acres of land on plot Nos.804, 806 and 807 Sector No.3, Industrial Estate,

Pithampur of District Dhar and granted various concessions / incentives as per the aforesaid policy with a condition to set up industry processing plant

and start commercial process within a period of three years from the date of order.

10. The MPAKVN vide letter dated 9.9.2016, conveyed the respondent No.5 that the total amount to be deposited by the respondent No.5 inclusive

lease rent, security, service tax and other charges is Rs.10,97,99,296/- and for issuance of letter of intent, the respondent No.5 is required to deposit

25% of amount of the total amount, ie., Rs.2.5 Crore. The respondent No.5 deposited the directed amount on 21.9.2016, accordingly, the letter of

intent was issued in favour of the respondent No.5. The balance amount of Rs.8,47,799,296/- has been deposited on 17.10.2016. Accordingly, on

payment of the entire amount and submission of consent letter, the allotment order dated 19.10.2016 was issued in favour of the respondent No.5.

11. The application for allotment of land was considered by the Cabinet Committee on investment promotion. From the proposal, which showed an

investment of more than Rs.500.00 Crores (Rs.Five Hundred Crores) with members to the farmers and other general public, a decision was taken for

allotment of the plot in question to respondent No.5 and in furtherance a lease deed was executed in its favour.

12. The lease deed is for a term of 99 years commencing from 16.11.2016 and ending on 15.11.2035 for the purpose of industrial activity (Fruits &

Vegetable Juices / business). As per Clause 4, the lessee has to pay a premium of Rs.10,00,00,000/- (Rs. Ten Crores) and annual lease rent at the

rate of Rs.20,00,000/- (Rs. Twenty Lac) per annum. A part from the above, he has to pay annual maintenance charges of Rs.12,95,040/- (Rs.Twelve

Lac Ninety Five Thousand and Forty) and such other sum as may be determined in accordance with the said Rules.

13. The petitioner has challenged the validity of Rule 25 (d), Rule 10(1) of M.P.Â State Industrial Land and Building Management Rules, 2015,

claiming them to be 'Ultra Vires' and violative of Article 14 of the Constitution of India. As per Rule 10.2 of the Industrial Promotion Policy, 2014,

where the value of the project is over Rs.25.00 Crore then, the project is considered as Mega Project.

14. Sub-Rule 10.1 of Rule 10 and Rule 25 of the Rules of 2015 are relevant which read as under :-

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15. In the case in hand, the respondent No.5 applied for allotment of land as per Clause 2 of Rule 11 of M.P. State Industrial Land and Building

Management Rules, 2015. Rule 12 deals with procedure for disposal. As per Clause (ii) (k) of Rule 12, the applicant will be dealt with on the

procedure of 'first come, first serve'. The first applicant will be having preference over other applicants if the applied area is same. Clause (ii) (k) of

Rule 12 will deal in respect of developed plot, 'first come, first serve'. Rule 25 (d) is in respect of allotment of plots for residential, commercial and for

warehouse purpose. Rule 26 deals with lease rent and annual lease rent. Rule 27 deals with procedure for allotment of developed plot.

16. Learned Senior counsel for the petitioner has drawn our attention to the law laid down by the Apex Court in the case of Akhil Bhartiya Upbhokta

Congress V/s. State of M.P. & Others reported as 2011 (5) SCC 29, Humanity & Anr. V/s. State of West Bengal & Ors. reported as 2011 (6) SCC

125 and Jaykrishna Industries Ltd (thr) Director V/s. State of Maharashtra & Ors., reported as 2018 (1) SCC 123 and submitted that every action /

decision of the State Government and / or its agency / instrumentalities to give largesse or confer benefit must be founded on a sound, transparent,

discernible and well-defined policy, which shall be made known to the public by publication in the Official Gazette and other recognised modes of

publicity and such policy must be implemented / executed by adopting a non-discriminatory and non-arbitrary method irrespective of the class or

category of persons proposed to be benefited by the policy.

17. In the instant case, the impugned allotment has been made as perÂ Â M.P.Â StateÂ IndustrialÂ LandÂ and Building ManagementÂ Rules,Â

2015Â andÂ IndustrialÂ PromotionÂ Policy, 2014 and ActionÂ Plan.Â LearnedÂ SeniorÂ counsel forÂ the petitioner has failed to point out

any violation of the Industrial Policy.

18. In the case of Akhil Bhartiya Upbhokta Congress V/s. State of M.P. & Ors. (supra), the allotment was initially made in the name of trust, but,

later on, the name of the respondent No.5 therein was substituted in place of Memorial Trust. The exercise for reservation of 30 acres land and

allotment of 20 acres was not preceded by any advertisement in the newspaper or by any other recognized mode of publicity inviting applications from

organizations/institutions like the Memorial Trust or Respondent No.5 for allotment of land and everything was done by the political and non-political

functionaries of the State as if they were under a legal obligation to allot land to the Memorial Trust and/or respondent No.5. The advertisements

issued by the State functionaries were only for inviting objections against the proposed reservation and/or allotment of land in favour of the Memorial

Trust and not for participation in the process of allotment. Considering these facts the Apex Court has held that the allotment thereof was fraught with

grave illegality and was nothing but a blatant act of favoritism on the part of functionaries of the State. In the present case, the respondent No.5, applied for grant of industrial land under the M.P. State Industrial Land and Building Management Rules, 2015, Industrial Promotion Policy, 2014 and

Action Plan. The petitioner has assailed the allotment made in favour of the respondent No.5 claiming it to be in-contravention with Rule 25(d) of the

M.P. State Industrial Land and Building Management Rules, 2015. The said Rule 25 (d) is in respect of Residential, Commercial and Warehouse

purpose and has nothing to do with any plot allotted or proposed to be allotted for establishing any Industry. So far as the question of Constitutional

validity of Rule 25 (d) and Rule 10.1 of the M.P. State Industrial Land and Building Management Rules, 2015, is concerned, no argument was

advanced by the learned Senior counsel for the petitioner as to how the same is in violation to Article 14 and 21 of the Constitution of India.

19. The land allotted to the respondent No.5 was earlier held by some other industry, which is now closed and since industrial piece was lying idle with

the MPAKVN, the respondent No.5 has applied for the same to start its Mega Scale Industrial Unit, which would be beneficial for generating revenue

for the State of M.P. for enhancement of employment opportunities and for establishing many other Small Scale Industries to assist and aide the

respondent No.5 for fulfilling its operational requirements.

20. The earlier two Public Interest Litigations filed by the petitioner bearing W.P.No.6994/2016 and W.P.No.7033/2016, were dismissed on

17.10.2016 wherein, the same reliefs were claimed by the petitioner. A liberty was granted to challenge any allotment of land, in case, if the same is in

violation of the statutory rules or Industrial Policy framed by the State Government. Enjoying the said liberty, the petitioner has made this third attempt

to challenge the allotment made in favour of the respondent No.5 without any basis or foundation.

21. The petitioner claims himself to be a social activist, a Professor, having qualification of P.hd and further claims to be himself as an Advocate, but

he has no relation with the Advocacy and none of his own case filed before this court has ever been argued by him. He further more claims himself to

be a social activist; however, no documents has been brought on record to reveal the truth of self proclaimed status claimed in petition. The petitioner

is merely a political litigator, habitual of making sensations through media on every next date of hearing of the petition, with a sole motive to publicise himself. The petitioner has no social activities and is not engaged in any type of social work.

22. The Apex Court in the case of Parishram Samaj Evam Kalyan Samiti V/s. State of M.P. & Ors. (SLP No. 38305 of 2016), wherein, a cost of

Rs.5,00,000/- and Ravindra Singh V/s. Union of India (SLP No.3974 of 2017), wherein, a cost of Rs.10,00,000/- has been imposed by the Apex Court

for filing frivolous litigation and wasting precious judicial time.

23. In the case in hand, the land has been allotted to the respondent No.5 in accordance with the Rules in force and Industrial Promotion Policy, 2014,

there is no violation of any policy or statutory right as the Rules referred by the petitioner are for allotment of commercial land and not for the

industrial land. The Apex Court in para 79 and 87 in the case of Balco Employees' Union (Regd.) V/s. Union of India, (2002) 2 SCC 333 has observed

thus :-

â??79. PIL is not a pill or a panacea for all wrongs. It was essentially meant to protect basic human rights of the weak and the disadvantaged and

was a procedure which was innovated where a public spirited person files a petition in effect on behalf of such persons who on account of poverty,

helplessness or economic and social disabilities could not approach the Court for relief. There have been, in recent times, increasingly instances of

abuse of PIL. Therefore, there is a need to re-emphasize the parameters within which PIL can be resorted to by a Petitioner and entertained by the

Court. This aspect has come up for consideration before this Court and all we need to do is to recapitulate and re-emphasize the same.

87. It will be seen that whenever the Court has interfered and given directions while entertaining PIL it has mainly been where there has been an

element of violation of Article 21 or of human rights or where the litigation has been initiated for the benefit of the poor and the underprivileged who

are unable to come to Court due to some disadvantage. In those cases also it is the legal rights which are secured by the Courts. We may, however,

add that Public Interest Litigation was not meant to be a weapon to challenge the financial or economic decisions which are taken by the Government

in exercise of their administrative power. No doubt a person personally aggrieved by any such decision, which he regards as illegal, can impugn the

same in a Court of law, but, a Public Interest Litigation at the behest of a stranger ought not to be entertained. Such a litigation cannot per se be on

behalf of the poor and the downtrodden, unless the Court is satisfied that there has been violation of Article 21 and the persons adversely affected are

unable to approach the Court.

24. From the aforesaid, it is clear that on completion of the entire statutory procedures the MPAKVN (I) Ltd, executed a lease deed in favour of the

respondent No.5 of the said plots No.804, 806 and 807 admeasuring 40 acres (161880 Sq. Mtrs.) and consequently, the possession was handed over to

respondent No.5. The present writ petition has been filed by the petitioner in grave abuse of process when two writ petitions seeking similar relief

have already been dismissed vide common order dated 17.10.2016.

25. In view of the above discussion, we therefore, of the considered view that the writ petition filed by the petitioner has no merit and is accordingly,

dismissed with cost of Rs.10,000/-. The said cost amount, deposited by the petitioner shall be donated in the Government of Kerala, Chief Minister's

Distress Relief Fund.

26. In the result, the petition is hereby dismissed.

