
(2002) 09 GUJ CK 0051
In the Gujarat High Court
Case No : Spl. Civ. A. No. 8786 of 2002

Kishorbhai D. Panchal

APPELLANT

Vs

Chief Secretary

RESPONDENT

Date of Decision : 02-09-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 2003 Guj 43 : (2002) 22 GLH 597

Hon'ble Judges : D.S. Sinha, C.J.; J.M. Panchal, J

Bench : Division Bench

Advocate : Party in person, for the Appellant;

Final Decision : Dismissed

Judgement

D.S. Sinha, C.J.—Driven more by spasmodic sentiments than the true spirit of serving the cause of any deprived or vulnerable class of the

Society, Mr. Kishore D. Panchal, an advocate of 10 years" standing, appearing in-person, urges the Court, to immediately ban ""Gaurav Yatra",

proposed to be organised by a political party.

2. The prayer of the petitioner is founded on the following two paragraphs :

.....The petitioner is Law Graduate. National and Citizen of India. He as well as other Law abiding citizens of State are equally protected by

various laws prevailing in our country. Law and Order and harmonious administration of the State affairs is the prima facie functions of the all acting

Governments.

2..... Recently through Sandesh Newspapers Ltd. 23-8-2002, Friday, I came to know that Bhartiya Janata Party is organizing some Gaurav Yatra

on 3-9-2002. To live peacefully is the fundamental right ascertained by

constitutional provisions. The Rally organised by any party, based on political Dilemma is to be prohibited because political parties are utilising the Arts, culture, religion as means of their agenda, e.g. Ram Rath Yatra, (Led by Shri L. K. Advani in Past), is controversial to our Secular mode constitution and it leads to dis-satisfaction in one or the other class of peoples, which in long turn out to be a communal riots. At that time no politician will take the responsibilities of such communal riots, who in turn cashes votes bank of one class, based on Articles. Culture. Religion etc. that time he dis-satisfies another class of peoples, takes their rights of equality before law. No other petition is filled on the same subject matter in this Court or any other Court incl. SC.

3. The Court has read and re-read the two paragraphs quoted above, and has not been able to locate therein any cause of action arising out of legal wrong or legal injury to the petitioner or any identified or unidentified class of people unable to approach the Court because of their poverty, disability, illiteracy or socially disadvantaged position.

4. The petition, which by way of factual pleadings contains only two paragraphs, reproduced hereinbefore, smacks of political overtones. Indeed, the petitioner has conceded, during the course of arguments, that prayer for restraining the proposed ""Gaurav Yatra"" has political implications also.

5. The forum of ""Public Interest Litigation"" is not meant for serving political purpose or solving political problem. Political problem ought to be solved through political process, and not through judicial process.

6. It is pertinent to notice that the pro posed ""Gaurav Yatra"". as disclosed in the petition, is likely to be organised by a particular political party, and not by the Chief Secretary. State of Gujaral. New Sachivalaya. Gandhinagar (Gujarat States), figuring as the sole respondent. The Court cannot intermeddle with the affairs of any political party. Indeed, it has no jurisdiction to do so.

7. In the opinion of the Court, the petitioner, who is not a greenhorn Lawyer, is a knight-errant roaming in pursuit of publicity, and has grossly abused judicial process by invoking the jurisdiction of this Court through instant petition under Article 226 of the Constitution of India in the name of ""Public Interest Litigation"". It is the duty of the Court to stop influx of such unworthy petitions. Thus, the petitioner, who has indulged in an

unbecoming conduct of abusing the judicial process, must be saddled with costs.

8. For what has been said above, the petition is dismissed with costs, quantified at Rs. 1,000/- (Rupees One Thousand only), which shall be

deposited by the petitioner with the State of Gujarat, within a period of one month.

9. In the event of his failure to comply the order in respect of payment of costs, the petitioner shall be exposed to appropriate proceedings for

disobedience besides realization of the costs by the respondent in accordance with law.