

(1998) 11 RAJ CK 0017
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3019 of 1997

Mahaveer Prasad

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 10-11-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Rajasthan Lokayukta and Up-Lokayukta Act, 1973 — Section 9

Citation : AIR 1999 Raj 67

Hon'ble Judges : V.S. Kokje, Acting C.J.; Amaresh Kumar Singh, J

Bench : Division Bench

Advocate : M. Mridul, for the Appellant; L.R. Mehta, L.S. Udawat, A.A.G., for the Respondent

Final Decision : Dismissed

Judgement

V.S. Kokje, Actg. C.J.

1. This is a petition filed for a direction that investigation in the properties alleged to be amassed by a Minister in the State cabinet by illegal means may be undertaken and to prosecute him in the event of investigation establishing the allegations that he had amassed money beyond his own sources of income. The State Govt. and the concerned Minister have been impleaded as respondents. According to the petitioner, the respondent No. 2 comes from a middle class family and owned only 6 kilas of land originally. It is alleged that respondent No. 2 was elected to the State Legislative Assembly as a Congress party candidate in the year 1972 and remained M. L. A. till 1977. During that period a house was allotted to him in Jawahar Nagar, Jaipur but he sold it away to repay the loans incurred by him in meeting election expenses. The sale was said to be effected shortly before the elections to the State Legislative Assembly in the year 1993. The respondent No. 2 contested the 1993 Assembly Elections as an independent candidate after having been denied candidature by the Congress party. He became Minister in the State Govt. and according to the petitioner he had only

six Kilas of land and the house at Jawahar Nagar, Jaipur till this time as property owned by him. It is alleged by the petitioner that after having become Minister, the respondent No. 2 amassed wealth, purchased immovable properties in his own name as well as in the name of his wife and other trusted aids. It is also alleged that the respondent No. 2 has amassed properties worth over Rs. 2 Crores 61 lacs either in his own name or in the name of his wife or in the name of his brother-in-law. It is further submitted by the petitioner that he moved the Lokayukta by lodging a complaint dated 17-7-97. It is also alleged that two other persons Shri Chananlal and Shri Kaurda had also complained to Lokayukt against the respondent No. 2. It is alleged that Lokayukt has not looked into the matter and, therefore, this petition was being filed.

2. The respondent No. 2 has filed a reply to the petition in response to a notice issued by this Court. Preliminary objections have been raised to the maintainability of the writ petition alleging that the petition was motivated by an ulterior purpose for taking a revenge against the respondent No. 2 who had refused to assist the petitioner in his efforts to contest the elections to the Municipality of Bhadra. The respondent No. 2 supported Shri Bhanwar Khan, the candidate who won the election against the petitioner and because of this the petitioner had filed the petition against the respondent No. 2. It was also alleged that the petitioner was the President of the Contractors Association, Bhadra and was a "B" class contractor registered with the Govt. departments. A cheque issued by him for a sum of Rupees 3,000/- in favour of Executive Engineer Sidhmukh Project, Division Bhadra, bounced because of insufficient funds and consequently his registration as contractor was cancelled. According to the respondent No. 2 the petitioner suspected the hand of respondent No, 2 in this also and became more inimical towards the respondent No. 2. It was also submitted that the petitioner cannot pursue two remedies parallelly and when he had already opted for moving the Lokayukt on 17-7-1997 and the communication had reached the Lokayukt on 21-7-97 this petition dated 6-8-97 without giving the Lokayukt reasonable time to investigate cannot be entertained. It was also contended by the respondent No. 2 that the Lokayukt vide his order dated 4-7-97 even before the notice was issued by the petitioner had proposed to hold inquiry against the respondent No. 2 and a notice dated 5-7-97 was issued to the respondent No. 2. A reply was filed by the respondent No. 2 before the Lokayukt on 26-8-97 and the respondent was examined on 20-10-97. The respondent No. 2 had been asked by the Lokayukt to file copies of all the bank accounts and the matter was fixed for further proceedings on 26-11-97. It was, therefore, submitted that the Lokayukt was seized of the matter and was not sitting idle. It was further submitted on behalf of respondent No. 2 that the Lokayukt had ample powers under the provisions of Lokayukt Act, 1973 not only to entertain complaints but also to take evidence both oral and documentary and decide the points raised and submit report to the competent authority with recommendations.

3. Having heard the learned counsel and having perused the record we do not

find any reason to entertain this petition. The petitioner's interest in the matter does not seem to be confined only to redressal of a public grievance but there clearly appears to be a personal element also involved in it. Enlargement of the scope of locus standi in public interest to entertain petitions from third parties for redressal of a public grievance cannot mean to be a licence for settling personal scores through the process of Court. Though the grievances made can be said to be public grievances, the object of bringing this petition cannot be said to be solely the redressal of such public grievances. The main object seems to be to spite the respondent No. 2 and not bringing a corrupt public leader to book. It is noteworthy that two complaints filed by other persons were already pending before the Lokayukt. There is not a word stated in the petition as to what was the need for the petitioner to approach the Lokayukt again on the same allegations with a fresh complaint on 17-7-97 when the allegations relate to a period after 1993. The respondent No. 2 has put on record the preliminary inquiry report dated 4-7-97 of the Lokayukt Sachivalaya which clearly shows that the Lokayukt proposed to conduct investigation u/s 10 of the Rajasthan Lokayukt and Uplokayukt Act, 1973 against the respondent No. 2. A notice had been issued by the Lokayukt under the Act on 5-7-97 to the respondent No. 2. The respondent No. 2 had also filed a reply. In the affidavit filed by the petitioner with the rejoinder to the reply-filed by the respondent No. 2 it is stated that Chananlal s/o. Badri Prasad had complained to the Lokayukt on 9-11-94 and complainant was examined by the Lokayukt on 16-12-94 and his witnesses were examined on 20-1-95 and 21-1-95. The other complainant Kaurda s/o Amichand in his affidavit stated that he had filed a complaint to the Lokayukt against the respondent No. 2 in the year 1996 and did not receive any response from the Lokayukt office. Procuring of all these affidavits by the petitioner shows that the other two complaints were amenable to him and the possibility that all the three are working in tandem cannot be ruled out. It has been tried to be contended on behalf of the petitioner that the Lokayukt Secretariat is not taking the matter seriously and the complaints filed in the year 1994 also remained pending still. We are not impressed by this argument. If the Lokayukt was not acting expeditiously on certain complaints, the complainant in those cases may complain about it. A third complainant who had already moved the same machinery of Lokayukt cannot be heard to say that he would not wait for a reasonable time for Lokayukt to act and can rush to the Court on the ground that the earlier complaints were not expeditiously processed by the Lokayukt. In the case before us the fact remains that the petitioner moved the Lokayukt by filing a complaint on 17-7-97 which was received by the Lokayukt on 21-7-97 and the petition has been filed on 4th August, 1997 a fortnight of the receipt of the complaint by the Lokayukt. In these circumstances we do not find that there is any reasonable basis for entertaining this petition and the manner in which the petitioner has rushed to this Court does not show that he is motivated by the sole object of public interest and probity in public life. The petition is dismissed.