
(1998) 11 MP CK 0044
In the Madhya Pradesh High Court
Case No : Writ Petition No. 969 of 1985

Narendra Bajpayi

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 19-11-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 2 MPJR 398 : (1999) 2 MPLJ 684

Hon'ble Judges : Shambhoo Singh, J; Bashir Ahmed Khan, J

Bench : Division Bench

Advocate : No appearance, for the Appellant; B. Chitale, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Petitioner was running a tile factory and was also a contractor. He filed this PIL way back in 1985 alleging that respondent No. 2 (the then Executive Engineer in Irrigation Division, Shahapur) was acting in a manner prejudicial to the economic and financial interest of the State. In support he also cited some instances of alleged irregularities committed by this respondent under whom he had executed some contracts. He accordingly prayed that a mandamus be issued to government to ask the Executive Engineer concerned to vacate the post or to dismiss him from service or to take any other appropriate and exemplary "punishing action" against him as deems under the circumstances.

Record shows that respondents were put on notice and they filed their reply refuting the allegations and pointing out that the reliefs prayed were incapable of being granted by this Court.

We are at a loss to understand how the petitioner, who had expressed an individual interest in the petition itself could take upon himself to file this PIL claiming reliefs which were incapable of being granted. After all it was not for this Court to direct the employer to remove the Executive Engineer concerned from

service or to vacate his post de hors of protection he enjoyed under the Constitution and service rules.

Be that as it may, what raises a matter of concern is that the petitioner businessman should have felt free to overstretch the Court process for as good as 14 years resulting in considerable loss of valuable Court time and also to the State Machinery by engaging it in a misconceived litigation for years. It is also surprising that matter should have dragged on all these years even after he had abandoned it midway. Should he enjoy license to walk in and go out of this Court at his sweet will without showing that he meant business in utilising court process.

It is unfortunate that medium of public interest litigation which was provided for a great cause of enlarging the doctrine of locus standi to facilitate the accessibility of the weak and underprivileged to the superior judiciary should remain available for individual aggrandizement and settling of private scores. The misuse of the court powers by self-seekers and busy body's has already sent alarm bells and done unexpected damage reflecting on the dignity and majesty of judiciary. But it is still not late to stem the rot and to protect the leeway otherwise provided for social betterment and justice. It is therefore, high time to be circumspect and remain watchful in entertaining such matters.

In the present case, it would be unjust to allow petitioner to go scot free. He must realise that he could not take the court process for a ride and abandon it at his convenience. As such exemplary costs require to be imposed on him or his misdirected "PIL Adventure". He is accordingly ordered to be burdened with costs of Rs. 10,000/- for having frittered away the court process causing considerable waste of valuable public time and money. Registrar to issue a special process to him seeking recovery of the amount to be deposited in the High Court Bar Fund and in case of his default the amount shall be recoverable by any permissible mode under law. This writ petition is dismissed with the above directions.