

(2002) 07 KAR CK 0046
In the Karnataka High Court
Case No : Writ Petition No. 27310 of 2000

Prof. G.K. Govinda Rao and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 11-07-2002

Acts Referred:

Constitution of India, 1950 — Article 51A (h)

Citation : (2002) ILR (Kar) 3652 : (2002) 6 KarLJ 263 : (2002) 3 KCCR 2047

Hon'ble Judges : N.K. Jain, C.J.;V.G. Sabhahit, J

Bench : Division Bench

Advocate : Ko. Channabasappa, for Petitioners-1, 2, 9, 11 and 12 absent, S.R. Gautham, for rest of Petitioners, for the Appellant; M.N. Seshadri, Government Advocate for Respondents-1 to 4, for the Respondent

Final Decision : Dismissed

Judgement

N.K. Jain, C.J.—One G.K. Govinda Rao and 11 others who have filed this public interest litigation are alleged to be retired Professors, Journalists and other Dignitaries of the city and also author of the book , "Vasthu Eshtu Vastava" and they have studied the subject thoroughly. The grievance of the petitioners is that when they came to know about the speech of the Chief Minister, they were shocked to know that whenever there is a new incumbent to the office of the Chief Minister, huge amounts are being spent for repairs and alteration of the house during the last one decade. It is alleged that "Vasthu Shastra" has played havoc with the lives of gullible people. The petitioners have filed this writ petition seeking a writ of mandamus directing to furnish full particulars of the renovation and alterations carried out to the designated residence of Chief Minister "Anugraha" and to publish and furnish to the petitioners the details of telephone calls, the tour programmes, particulars of furniture and fittings provided in the residence of the Chief Minister and to order for an enquiry to be conducted by a Commission of Enquiry and on the basis of the report of such Commission, to order for recovery of the expenses incurred by the respective Chief Ministers or

Ministers and to frame rules and regulations.

2. In response to the notice dated 21-8-2001, a detailed counter has been filed denying the allegations as made in the writ petition. It is stated that the sole intention of the petitioners is to disrespect the office of the Chief Minister and that no representation was given to the authorities concerned and the allegations are made without any investigation and the petition is liable to be dismissed for want of locus standi. So no relief can be granted. On merits, it is stated that the present Government assumed office on 11-10-1999. The alleged building has been occupied after carrying out necessary repairs and alterations. As per prevailing law, the estimate was prepared and sanctioned by PWD authorities. The total estimate worked out to Rs. 20,88,000/- and 11 items were categorised for immediate attention as per Annexure-R1. It is also stated that it is necessary to have a good look of the Chief Minister's house as different dignitaries and delegates from outside the country visit the house. It is also stated that they have spent about Rs. 3,27,000/- for furniture and furnishing, which has been done as per the Government notification dated 17-3-1994. It is also stated that one is entitled to spend Rs. 5 lakhs as per the earlier notification and now Rs. 10 lakhs can be spent as amended from 6-6-2001. Proper sanction and approval has been given by the Accountant General after getting it audited properly, and the expenditure incurred is within the legitimate interest of public and necessary for the position of the Chief Minister. It is prayed that this writ petition is liable to be dismissed.

3. Rejoinder to the counter was also filed. It is stated that delay cannot be a ground for dismissal of the writ petition. Further, it is stated that correct details could not be given as they received no reply despite the notice. So also the dismissal of other writ petition will not come in the way of this writ petition. It is further stated that every citizen has a right to get information. The alteration and renovation of the building of the Chief Minister is against Article 51-A(h) of the Constitution. The allegation that the petitioners have not made any investigation is wholly untenable in the facts and circumstances of the case. Therefore, the writ petition is to be allowed.

4. Heard the learned Counsels for the petitioners, the learned Government Advocate for the respondents and perused the material placed on record.

5. No doubt, in an appropriate case this Court can issue directions if there is gross violation of fundamental rights or if the issue touches the conscience of the Court but at the same time no direction can be issued for espousing the cause of others for personal gain, publicity or political motivation.

6. The main grievance of the petitioner is that in the garb of Vasthu Shastra, money is being spent exorbitantly, but he has not said whether any particular construction made previously has been demolished and new construction has been made on account of Vasthu Shastra. The petitioners have not placed any material in the writ to show that on earlier occasion during last decade, any

representation was made with regard to the allegation of misuse of funds or the expenditure incurred on this house or any construction made on the basis of alleged Vasthu Shastra. So also nothing has been placed on record to show that any specific representation has been made to this effect for the current period.

7. The question that remains is, whether there is any bar to spend the money. Every Minister or Chief Minister is supposed to spend money as required and for that Government has issued notification dated 17-3-1994 to spend upto Rs. 5 lakhs and the same has been enhanced to Rs. 10 lakhs by notification dated 6-6-2001. In the instant case, the petitioners have not alleged that the immediate occupier of the building has demolished any constructions previously made by his predecessor in the building on the belief of Vasthu Shastra. So also, Vasthu Shastra has evolved out of climatic, environmental needs as well as religious belief, and it is one's own belief. That apart, there is no bar for spending the allotted money by the incumbent. Explanation has also been given for the money being spent within the limits prescribed after completing the formalities. As per the counter, the entire expenditure has been incurred within the norms prescribed by the Government and this Court cannot go into such questions of fact. However, considering the status of the Chief Minister and in the fact situation, it cannot be said that the amount spent on the building which is 60 years old, is unreasonable. In the facts of the given case, no direction can be issued in this public interest litigation. Since we are not issuing any direction on merits, we are not considering the locus standi of the petitioners. This public interest litigation ought to be dismissed with costs but as stated by the learned Counsel for the petitioners the petitioners have approached this Court under a bona fide belief. Hence, costs are made easy. However, it is expected that the incumbent of a public office would not unnecessarily spend public exchequer lavishly merely on the ground of Vasthu Shastra.

The writ appeal is dismissed as above.