

(2017) 07 SC CK 0112
In the Supreme Court Of India
Case No : ?SLP(C) No. 16056-16057 of 2017

Sri Abraham T.J

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 03-07-2017

Acts Referred:

Citation : (2017) 7 Scale 641 : (2018) 12 SCC 515

Hon'ble Judges : Dipak Misra, J;A.M. Khanwilkar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard Mr. Salman Khurshid, learned senior counsel along with Mr. Sriram Parakkat, learned counsel for the petitioner and Mr. Basavaprabhu S. Patil, learned senior counsel along with Mr. M.R. Naik, learned Advocate General for the State of Karnataka.

2. The present special leave petitions depict a picture where one can unhesitatingly say that the conception of a public interest litigation is conceived by some either to establish one's identity in public because he suffers from some kind of identity crisis or he is impelled by some kind of peculiar thought which he feels that every facet of any decision has some public interest to be agitated in a court of law; although there is none.

3. As the facts would unfold, two ladies, namely, Leelavati w/o Vasudev Bhatt Dixit and Ms. Jayshree w/o late Vittal Bhatt Dikshit donated 5 acres of land situate in the Taluk Aland in the District of Kalburagi in the State of Karnataka for construction of a "Mini Vidhana Soudha". Be it clarified, "Mini Vidhana Soudha" is a Taluk office meant for officers to function from one compound. Various departments at the Taluk level are required to function in a cohesive and cooperative manner. A decision was taken by the Government not to establish the "Mini Vidhan Soudha" at the originally chosen place at Aland, but to shift to another place in the same Taluk.

4. The petitioner, who claims to be a public spirited person, invoked the jurisdiction of the High Court by filing a public interest litigation challenging such shifting of the place by alleging mala fide and also raising the contention that there had been violation of the conditional gift deed executed by the two ladies. The High Court by a detailed order has declined to interfere.

5. It is submitted by the learned senior counsel appearing for the petitioner that once a decision had been taken and the gift condition was accepted, the authorities could not have changed the decision and substitute the place.

6. Mr. M.R. Naik, learned Advocate General appearing for the State, per contra, would contend that the need for "Mini Vidhana Soudha" at Aland required more area and, therefore, the authorities took a decision to have it on the land situate on Survey No.496 belonging to the agricultural department of the State. It is also urged by him that the makers of the gift deed are not affected, but the petitioner has jumped into the fray to build a superstructure to get the limelight.

7. In reply to the submission made by Mr. Nayak, it is submitted by Mr. Salman Khurshid that the land that had been taken from the department of agriculture is affecting the local public. It is assiduously put forth by Mr. Naik that the State Government does not have the slightest intention to cause any corrosion in the development of agriculture. He would further urge that the seed farm belonging to the agriculture department has already been shifted.

8. Ordinarily, we would have straightway dismissed the special leave petition but we are inclined to say something in addition. Shifting of "Mini Vidhan Saudha" of present nature by an executive decision to six kilometers away is not a matter of public interest. It does not espouse any kind of public cause. It really pertains to smooth administration where the "Mini Vidhan Saudha" or Taluk office complex will be situated. It does not come within the domain of public interest litigation. It is pure and simple abuse of the concept of public interest litigation. Be it clarified that the conception of public interest litigation was not conceived to be used for this purpose. Therefore, while dismissing the special leave petitions, we impose Rs. 25,00,000/- (Rupees twenty-five lakhs only) as costs to be deposited by the petitioner before this Court within four weeks, failing which appropriate action shall be initiated against him.

9. The special leave petitions are dismissed in the above terms.