
(2015) 01 AHC CK 0089

In the Allahabad High Court

Case No : Public Interest Litigation (PIL) Nos. 69125 and 69129 of 2014

Tripuresh Tripathi

APPELLANT

Vs

Rajendra Bihari Lal and Others

RESPONDENT

Date of Decision : 12-01-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 1 ADJ 682 : (2015) 110 ALR 724 : (2015) 2 AWC 1210 :
(2015) 2 UPLBEC 938

Hon'ble Judges : Dhananjaya Yashwant Chandrachud, C.J.;Suneet Kumar, J.

Bench : Division Bench

Advocate : Asok Pande, for the Appellant; Anurag Khanna, Ishan Shishu, Pratik J. Nagar, R.A. Akhtar, J. Nagar, Ravi Kant and Amit Negi, Advocates for the Respondent

Final Decision : Dismissed

Judgement

1. These two petitions have been filed ostensibly in the public interest by the same petitioner. The petitioner has averred that he is "a public spirited person" and an Advocate by profession. In the first of the two petitions, the petitioner seeks an inquiry by the Central Bureau of Investigation in respect of what is alleged to be an illegal transfer of Government land allotted to the Sam Higginbottom Institute of Agriculture Technology and Sciences (formerly known as Allahabad Agricultural Institute), a deemed University which is represented by the first and second respondents. The petitioner further seeks an investigation by the Central Bureau of Investigation "with respect to forceful conversion into Christianity and other hatred activities (sic)" alleged to be going on in the campus of the deemed University.

2. In the second writ petition, the petitioner seeks to question the legality of a deed of trust executed by the Board of Directors in favour of an institution by the name of Yeshu Darbar Trust (the Trust) by which, land admeasuring about 26 Bighas, is alleged to have been utilized for the benefit of the activities of the

Trust. The case of the petitioner is that on 23 May 1914, an agreement was entered into between the Secretary of State for the United Provinces and the North India Mission of the American Presbyterian Church in the United States of America under which certain land which was acquired for the purposes of the aforesaid company under the Land Acquisition Act, 1894 came to be governed. Clause (5) of the agreement provided as follows:

"(5) That the said company, within one year of the conveyance to it of the aforesaid land, will use it for the purpose of establishing a properly organised and equipped agricultural department in connection with their present college known as the Ewing Christian College and that they will not divert the aforesaid land to any other use, without the previous permission of Government." The substance of the grievance is that a deed of trust was entered into on 14 July 2003 by the Board of Directors of the Allahabad Agricultural Institute under which a portion of the land, admeasuring about 26 Bighas, as alleged, was allowed to be managed in furtherance of the aims and objects of the Trust.

3. The petitioner seeks a certiorari for quashing the deed of trust dated 14 July 2003. The relief of certiorari is manifestly misconceived. The deed of trust is a non statutory document. This Court in exercise of its jurisdiction under Article 226 of the Constitution would not be justified in entertaining such a plea for setting aside a deed of trust of a purely non statutory nature. But, more fundamentally, we are of the view that both these writ petitions fail to meet the test of a bona fide recourse to the jurisdiction in public interest which is now recognized by the Rules of this Court.

4. Sub-rule (3-A) in Rule 1 of Chapter XXII of the Allahabad High Court Rules 1952 was inserted following the decision of the Supreme Court in State of Uttaranchal Vs. Balwant Singh Chaufal and Others, . Sub rule (3-A) of the Rules, as inserted, provides as follows:

"(3-A) In addition to satisfying the requirements of the other rules, in this Chapter, the petitioner seeking to file a Public Interest Litigation, should precisely and specifically state, in the affidavit to be sworn by him giving his credentials, the public cause he is seeking to espouse; that he has no personal or private interest in the matter; that there is no authoritative pronouncement by the Supreme Court or High Court on the question raised; and that the result of the Litigation will not lead to any undue gain to himself or anyone associated with him, or any undue loss to any person, body or person or the State." The object and purpose of this amendment, following the judgment of the Supreme Court, is that the jurisdiction in public interest which consumes valuable judicial time, should be utilized for enabling genuine public causes to be brought before the Court. Public interest litigation should not be allowed to be utilized as a remedy for pursuing extraneous purposes or for that matter, for espousing causes motivated by a desire to seek publicity or to pursue other extraneous interests. Save and except for disclosing that the petitioner is "a public spirited person" and an Advocate, he has asserted no case for the Court to hold that he has moved

this Court with bona fide. A person who has waited for well over 11 years since the deed of trust was executed on 14 July 2003, must at least explain why these petitions have been moved at this point of time. The jurisdiction of the High Court under Article 226 to order an investigation by the Central Bureau of Investigation cannot be exercised lightly.

5. In the companion writ petition, the petitioner has relied upon a letter written by the then Collector, Allahabad to the Principal Secretary, Higher Education dated 12 January 2004 and a further communication dated 3 December 2005 of the Collector to the Principal Secretary in the State Government. It would be impossible to even contemplate that an inquiry of this nature can be entertained on the basis of material which is thoroughly stale, particularly where the petitioner has failed to explain his own credentials or track record. We, therefore, decline to entertain the petitions under Article 226 of the Constitution only on that ground. We clarify that in dismissing the petitions for these reasons, we have not made any finding on the merits of the alleged violation for which the competent State authorities have sufficient powers under the law. Nothing contained in this judgment shall either amount a direction to the State to act or restrain the State from exercising its powers and authorities in accordance with law.

We find no merit in the petitions for the above reasons. The petitions are, accordingly, dismissed. There shall be no order as to costs.