

Chief Justice's Court

Case :- SPECIAL APPEAL No. - 1024 of 2024

Appellant :- Ashish Kumar

Respondent :- Chairman, Board Of Revenue, Uttar Pradesh, Prayagraj and 6 others

Counsel for Appellant :- Gyanendra Kumar Mishra, Ramesh Kumar Mishra

Counsel for Respondent :- C.S.C., Sher Bahadur Singh, Ramanand Pandey, A.C.S.C.

Hon'ble Arun Bhansali, Chief Justice

Hon'ble Vikas Budhwar, J.

1. This appeal is directed against order dated 06.11.2024 passed by learned Single Judge in Public Interest Litigation (P.I.L.) No.2136 of 2024, wherein on finding that the appellant had not approached the Court with clean hands and tried to mislead the Court, a cost of Rs.75,000/- has been imposed.

2. Learned counsel for the appellant made vehement submissions that the appellant was unaware of the factual position, wherein the order, for whose enforcement the appellant had approached this Court, had already been set aside by the High Court, which led to the filing of the petition and it was only on account of unawareness of passing of the order by this Court setting aside the order sought to be enforced, that the petition was filed.

3. Submissions have been made that though the appellant has been sending various representations seeking to enforce the order which stood set aside, none of the authorities informed the petitioner about the fact that the order has been set aside and therefore, it cannot be said that the appellant had approached the Court with unclean hands so as to suffer a cost of Rs.75,000/-.

4. Learned counsel appearing for Gram Panchayat supports the

order impugned.

5. We have considered the submissions made by learned counsel for the parties and have perused the material available on record.

6. The P.I.L. was filed seeking to enforce the order dated 18.02.2019 passed by the Sub Divisional Magistrate, Pilibhit. Various allegations were made pertaining to the passing of order and its non compliance despite passage of over five years since the filing of the petition. When the P.I.L. came before the learned Single Judge, it was brought to the notice of the Court that the order dated 18.02.2019 had already been set aside by this Court in the petitions filed by Umesh Chandra and Baldeo Singh on 14.07.2023 and that the said fact was suppressed from the Court. The Court taking serious note of the conduct of the petitioner in approaching the Court with unclean hands and misleading it, imposed the cost.

7. A perusal of the entire record indicates that the appellant-petitioner, who claims himself to be the Editor of a daily newspaper and that he has been assigned the work in the interest of public cause and works in the interest of children, safeguarding the environment etc., pertaining to a piece of land at district Pilibhit, approached this Court seeking enforcement of the order dated 18.02.2019, apparently without undertaking the required investigation/research pertaining to the status of the said order. When the issue was brought to the notice of learned Single Judge that the order dated 18.02.2019 already stood set aside and therefore, there was no question of enforcement of the said order, submissions were made that the appellant was unaware of passing of the said order. The submissions made clearly reflected the lack of appropriate investigation/research before filing the public interest litigation only based on order dated 18.02.2019 and

seeking enforcement alleging that the same was not being enforced by the authorities.

8. The practise of filing of P.I.L. without due research and investigation, only based on incomplete facts has now assumed a huge proportion, wherein large number of petitions are filed, which are not in the nature of public interest and essentially seek to wreck vengeance against the respondents and/or are based on private interest and/or personal disputes including disputes pertaining to service matters and therefore, once it is established on record that the P.I.L. which was filed, pertains to an order which already stood set aside by the High Court, the imposition of cost by the learned Single Judge cannot be faulted. The order has been passed to deposit the cost with District Legal Service Authority and the same also essentially would be used for public interest.

9. In that view of the matter, no case for interference in the order impugned is made out. The appeal is therefore, dismissed.

Order Date :- 25.11.2024

Manish Kr/Sandeep

(Vikas Budhwar, J) (Arun Bhansali,CJ)