

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment reserved on: 05.09.2022

% **Judgment delivered on: 08.09.2022**

+ **W.P.(C) 12762/2022**

NARINDER KHANNA

..... Petitioner

Through: Petitioner-in-person.

versus

GOVT OF DELHI AND ORS.

..... Respondents

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil) with
Mr.Arun Panwar, Mr. Siddharth
Krishna Dwivedi, Mr. Pradeep &
Ms.Mahak Rankawat, Advocates for
respondent No.1/ GNCTD.

Mr. Rahul Raj & Mr. Anil Dutt,
Advocates for respondent No.2/
KVIC.

Mr. Arkaj Kumar & Mr. Padmesh
Mishra, Advocates for respondent
No.3/ LG.

Ms. Suman Chauhan, SPP with
Ms.Samiksha Mittal & Ms. Anubha
Bhardwaj, Advocates for respondent
No.4/ CBI.

Mr. Anurag Ahluwalia, CGSC with
Mr. Danish Faraz Khan, Advocate for
respondent No.5/ Directorate of
Enforcement.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

J U D G M E N T

SATISH CHANDRA SHARMA, C.J.

1. The petitioner before this Court has filed the present petition under Article 226 of the Constitution of India as a Public Interest Litigation (PIL) stating that he is an enrolled Advocate with the Bar Council of Delhi and is practicing before the High Court of Delhi. He has filed large number of PILs and is a public spirited person.
2. The petitioner has stated that on 30.07.2022, he has heard a news/statement on “India TV” Channel made by the Deputy Chief Minister of Delhi that the Central Investigating Agencies are harassing the private liquor vendors and they have been forced to close their shops.
3. The petitioner has further stated that the Deputy Chief Minister of Delhi has confirmed that on closure of private liquor shops, heavy loss was caused to the State Exchequer resulting in loss of livelihood to 176 private liquor vendors and the general public was deprived of the opportunity to purchase liquor at discounted price.
4. The petitioner has further stated that as per the Liquor Policy, private liquor vends were operational. People were earlier getting Beer at discounted price and Scotch Whiskey with an offer of buy one and get one free. It was convenient to buy liquor as spacious, air-conditioned shops were located in various markets spread throughout Delhi.

5. It has been stated that the New Liquor Policy was aimed to end Liquor Mafia and black-marketing. The petitioner has placed the Liquor Policy in the matter and raised all kinds of wild allegations against respondents No.2 to 6 based upon statement of third persons, including the statement of the Deputy Chief Minister of Delhi, Member of Legislative Assembly and newspaper clippings.

6. The petitioner has prayed for the following reliefs:

“In light of the above-mentioned facts and circumstances, it is most humbly prayed before this Hon'ble Court that it may be pleased to:

A. Writ of Mandamus or any other appropriate writ or directions or order to the Respondents number no 1 to provide list of 186 private liquor vendors who were harassed by officers of Respondents no 4 and 5;

B. Writ of Mandamus or any other appropriate writ or directions or order to the Respondents number no 3 & 4 to identify those officers who were causing harassment to 186 private liquor vendors and thereby forcing them to close their shops and, thereby depriving them of livelihood guaranteed under Article 21 of the Constitution;

C. Writ of Mandamus or any other appropriate writ or directions or order to the Respondents number no 1 & 2 to ensure facility provided by 17 private liquor to continue to be provided by Government Liquor shops from 1 September 2022;

D. Writ of Mandamus or any other appropriate writ or directions or order to the Respondents number no 2 to produce the findings of the CBI, the decision of the criminal court against the two accused cashiers. the findings of the disciplinary proceedings against the two charged cashiers and action taken against accused/charged employees;

E. Writ of Mandamus or any other appropriate writ or directions or order to the Respondents number no 2 to confirm number of such scams pan India basis and total amount of scam;

F. Any other order as this Hon'ble Court may deem fit in the facts and circumstances of the present proceedings.”

7. The prayer clause in the present PIL reveals that the petitioner wants a list of 186 private liquor vendors who have been allegedly harassed by the Central Bureau of Investigation (CBI) and by the Directorate of Enforcement. The petitioner has gone to the extent of praying that a direction be issued to the Lieutenant Governor (LG) of Delhi to identify those persons who are causing harassment to 186 liquor vendors forcing them to close their shops, thereby depriving them of their right of livelihood guaranteed under Article 21 of the Constitution of India. The petitioner has not named a single officer of the CBI, or of the Directorate of Enforcement who has harassed a single liquor vendor, nor has he given details of any kind of such harassment and based upon the so-called press releases/ statement made in the press, he wants a roving inquiry to be done by this Court. The present petition is nothing but a sheer abuse of the process of law and the petitioner wants a roving inquiry to be done by this Court based upon vague and absurd allegations.

8. The misuse of Public Interest Litigation has been considered by the Hon'ble Supreme Court in the case of *Janata Dal Vs. H.S. Chowdhary*, (1992) 4 SCC 305. Paragraph 98 of the aforesaid judgment reads as under:

“98. While this Court has laid down a chain of notable

decisions with all emphasis at their command about the importance and significance of this newly-developed doctrine of PIL, it has also hastened to sound a red alert and a note of severe warning that courts should not allow its process to be abused by a mere busybody or a meddlesome interloper or wayfarer or officious intervener without any interest or concern except for personal gain or private profit or other oblique consideration.”

9. The Hon’ble Supreme Court in the aforesaid case has held that the forum of approaching Courts by way of newly developed Doctrine of Public Interest Litigation should not be permitted to be abused, and in the considered opinion of this Court, the petition is nothing but sheer abuse of the Doctrine of Public Interest Litigation, and therefore, deserves to be dismissed.

10. The Apex Court in the case of ***Dattarajathujithaware Vs. State of Maharashtra***, (2005) 1 SCC 590, has held in paragraph 15 as under:

“15. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. (See State of Maharashtra v. Prabhu [(1994) 2 SCC 481 : 1994 SCC (L&S) 676 : (1994) 27 ATC 116] and A.P. State Financial Corpn. v. GAR Re-Rolling Mills [(1994) 2 SCC 647 : AIR 1994 SC 2151] .) No litigant has a right to unlimited draught on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions. [See Buddhi Kota Subbarao (Dr.) v. K. Parasaran [(1996) 5 SCC 530 : 1996 SCC (Cri) 1038 : JT (1996) 7 SC 235] .] Today people rush to courts to file cases in profusion under this attractive name of public interest. They must inspire confidence in courts and among the

public.”

11. The Apex Court in the case of ***Tehseen Poonawalla Vs. Union of India***, (2018) 6 SCC 72, has held in paragraph 98 as under:

“98. The misuse of public interest litigation is a serious matter of concern for the judicial process. Both this Court and the High Courts are flooded with litigations and are burdened by arrears. Frivolous or motivated petitions, ostensibly invoking the public interest detract from the time and attention which courts must devote to genuine causes. This Court has a long list of pending cases where the personal liberty of citizens is involved. Those who await trial or the resolution of appeals against orders of conviction have a legitimate expectation of early justice. It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions purportedly filed in the public interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation. There is a grave danger that if this state of affairs is allowed to continue, it would seriously denude the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention. Worse still, such petitions pose a grave danger to the credibility of the judicial process. This has the propensity of endangering the credibility of other institutions and undermining public faith in democracy and the rule of law. This will happen when the agency of the court is utilised to settle extra-judicial scores. Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the rule of law. There is a danger that the judicial process will be reduced to a charade, if disputes beyond the ken of legal parameters occupy the judicial space.”

12. The Hon'ble Supreme Court in the aforesaid cases has shown concern about misuse of Public Interest Litigation and has also shown concern about the large number of Public Interest Litigations which have flooded the High Courts and the Hon'ble Supreme Court. It has been held by the Hon'ble Supreme Court that personal scores, personal disputes and political rivalries should not be resolved through PIL.

13. In the considered opinion of this Court, the present petition is nothing but a sheer abuse of the process of law and therefore, the present petition is dismissed at admission stage itself with costs of Rs.1,00,000/- (Rupees One Lakh) to be paid to the Army War Widows Fund within a period of 30 days from today.

14. It is made clear that if the amount is not paid within 30 days from today, the Sub-Divisional Magistrate, New Delhi District will recover the amount as arrears of land revenue and shall transfer the same to the Army War Widows Fund with intimation to the Registrar General of this Court.

15. The Registrar General shall monitor the recovery as ordered by this Court. The Petitioner shall appear before the Registrar General for reporting compliance on 18.10.2022.

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

(SUBRAMONIUM PRASAD)
JUDGE

SEPTEMBER 08, 2022
B.S. Rohella