



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION PETITION NO.6 OF 2020

BASAVRAJ
GURAPPA
PATIL

Forum for Fast Justice & Anr.

..... Petitioners

Versus

Union of India & Ors.

..... Respondents

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BASAVRAJ GURAPPA
PATIL

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Mr. Bhagvanji G. Raiayni, Petitioner No.2 in-person.
Mr. Y. R. Mishra with Mr. N. R. Bubna for respondent No.1
Smt. P. H. Kantharia, Government Pleader for respondent No.2 -
State

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

**RESERVED ON : SEPTEMBER 4, 2024
PRONOUNCED ON : SEPTEMBER 10, 2024**

JUDGMENT (PER : CHIEF JUSTICE)

1. Heard Mr. Bhagvanji Raiayni, Petitioner No.2 in-person,
Mr.Y. R. Mishra, learned counsel representing respondent No.1 –
Union of India and Smt. P. H. Kantharia, learned Government
Pleader representing respondent No.2 – State.

2. Petitioner No.1 describes itself to be a public trust pursuing
judicial reforms in the country. Petitioner No.2 describes himself
to be a leading judicial activist who is said to have filed over 150

PIL petitions in the Bombay High Court and the Supreme Court. He holds a degree in Civil Engineering and has stated that he is appearing in-person.

3. This petition styled as PIL petition makes generalized statements and prays for omnibus reliefs stating that the petitioners are anguished by “blatant defiance of the secular and democratic character of the provisions contained in the Indian Constitution”. It further goes on to state that India has more religious shrines, maths and ashrams as against the total sum of such institutions in rest of the countries of the world and has also maximum number of priests, pontiffs, sathus, smooth sayers, sants mahants, godipatis preachers, kathakars, gurus and jagadgurus etc.

4. We regret to note that this is yet another petition in the series of such petitions, where petitioner No.2 has been appearing in-person and making absolutely vague, generalized and omnibus assertions seeking following reliefs:

- a) *That this Hon'ble Court may be pleased to issue a Writ of Mandamus or a Writ in the nature of mandamus or any other Writ, Order or Direction, directing-*

- b) *The Respondents to file their says in lieu of the contents and averments in various paras of the petition and produce relevant records in support of their submissions through their affidavits.*
- c) *To stop state functionaries from remaining present in the official capacity for attending / inaugurating any religious rituals of any faith or performing bhoomi puja or such other rites.*
- d) *To stop the use of public premises for installing any idol or picture of any deity except those of the Father of Nation, President and Prime Minister or performing any sort of pujas or performance of any such rites.*
- e) *To ban ritualistic Poojas and immersion of idols and dead bodies in natural water bodies to protect environment hazards.*
- f) *The Petitioner know that there is an Act enacted by the Maharashtra State asbut that is just a paper tiger. This court to direct the state to enforce this Act in peiter and spirit and the court to monitor the compliances for few years for proper thereof.*
- g) *And to stop the Respondent Union Government and advising the states in the Indian federation from funding any religious activities or giving subsidies for yatras or from the management of any religious shrines except as required under the maintenance of monuments under the archaeological departments of the governments. If any state doesn't behave, the UOI shall file appropriate proceedings in the courts for complying the constitutional provisions.*
- h) *To dissolve the state managed temple trusts or boards and hand-over the temples under its control to the trusts made by the followers of the respective faith.*
- i) *To introduce compulsory subject of secularism, humanism and rationalism in the schools at middle level in lieu of the constitutional provision under Art. 51-A(h) and the Respondents may be advised to bring a special legislation to bring mass awareness through trained employees with decent salaries, necessary travel accommodation and such other facilities for training the masses on secularism as enshrined in the constitution.*
- j) *Ministers and persons on ministerial status be stopped from leaving the offices during working hours for temple visits and religious rites anywhere, visiting voters' constituencies and addressing election rallies also during electioneering as they being the paid public servants and advise the Respondents to enact a law to this effect.*
- k) *Those ministers violating the Oath of Office and allegiance to the constitution be made punishable under the relevant sections of*

IPC, CPC, Cr. PC and service rules of the UOI and States leading to suspension, disqualification and dismissal with fine.

- l) Government officers and employees not to wear any dress symbolising their personal faith, not to display any pictures or idols of their gods and goodesses, in officers and also not to perform prayers, namaz or such other Puja or such religious celebrations during office hours.*
- m) The religious trusts, funds / income be taxed as in the case of individual assesses.*
- n) Article 27 of the constitution and the Preamble in its true meaning of secularism shall be effectively enforced.*
- o) decisions of Respondent Governments giving ministerial status to appointees looking after religious affairs be quashed and to ban such appointments.*
- p) To weed out fake or bogus tantriks, soothsayers, astrologers, misleading practicers of Vastus, Reki, Numerologists, Face readers, Ocultists, miracle makers and such other fraudsters and prosecute them under the relevant civil and criminal laws.*
- q) For expeditious hearing of this petition.*
- r) For cost to the petitioners.*
- s) For such further and other reliefs as the nature and circumstances may provide.*

5. The petitioner No.2 has extracted extensively from various newspaper reports which according to the petitioners go on to show that the Governments and their Ministers directly and indirectly spend crores of rupees using State machinery for promoting religions and self-seeking votes for showing themselves pious, god-fearing for self-publicity. The petitioner also takes exception to the Ministers and the Government

Officials skipping their official work and abstaining from their duties for days for election causing drain on public exchequer.

6. The instant PIL petition even gives a suggestion to the respondent that Union of India through the Parliament, under the advice of the Supreme Court, must enact a law making Article 51A most effective with a further prayer that this Court may monitor proper implementation of the provisions to be made therein.

7. Petitioner No.2 appeared and argued the matter, however, except for reading the assertions made in the writ petition extensively and pointing out to certain newspaper reports and headlines, has not substantiated the submissions. On query made by the Court repeatedly as to how and on what ground the prayers made in the PIL petition which, as observed above are omnibus in nature, can be granted, petitioner No.2 kept reading the averments made in the writ petition and has also submitted a written submission. The PIL petition, in our opinion, does not make out any legal ground except for making general assertions and seeking a prayer that Court may advice the State to amend the Representation of People Act, 1951. In the written

submission, the petitioner has even stated that whatever be the personal faith or belief of a judge, he has to abide by the tenets of the constitution and the laws and that he should be possessed with skill of acumen and judicial courage of fearless judgments. The entire petition does not make out any legal ground for seeking the reliefs prayed therein. The petition is full of general and long statements which are in the nature of expressing personal views of the petitioner that are legally unsubstantiated requiring our interference in the matter.

8. Another such petition, where petitioner No.2 herein had appeared as petitioner in-person (PIL No.16 of 2004) was dismissed by this Court by means of order dated 29th January 2024, finding that the said petition also was full of assertions which were entirely general in nature and read more like the petitioner's *ipse dixit*. The Court further observed in the said order that none of the grounds taken in the said petition even remotely suggest, much less expressly set out, which provisions of the Constitution of India stand violated. The relevant extract of the said judgment and order dated 29th January 2024 is extracted hereinbelow:

"As can be seen above, the same are entirely general in nature and

read more like the Petitioners ipse dixit. None of the grounds even remotely suggest, much less expressly set out, which provisions of the Constitution of India stand violated. Infact, the only reference to any Constitutional provision is to be found in ground (viii) which merely make a mention of Article 51 – A which provides for the Fundamental Duties of every citizen of India and thus it is unclear why the same has even been alluded to in the present Petition.”

9. The Court in the said order dated 29th January 2024 also extracted certain observations made by the Court while deciding another PIL Petition viz. PIL (L) No.41119 of 2022 which was also filed by petitioner No.2 herein. The observations made by this Court in its judgment dated 19th July 2023 in PIL (L) No.41119 of 2022 are extracted hereinbelow:

"12. We place on record our disapproval of the numerous poorly drafted and haphazardly presented petitions persistently filed by this Petitioner, subjecting the Court to a monologue, thereby consuming valuable judicial time and resources. It is essential to exercise prudence and diligence in preparing and presenting petitions before the Court, ensuring that they are wellfounded and supported by adequate research and compelling arguments, avoiding using intemperate language. It is crucial to maintain respect and professionalism in all legal pleadings, regardless of the nature of the case or the parties involved. The PIL Petitioner must try to understand the relevant legal principles, administrative and constitutional law, the scope of writ jurisdiction, and if they cannot do so, seek legal assistance. That is so because the judicial system operates with limited time and resources, and frivolous or poorly presented PILs burden the Court and hinder the resolution of other genuine and urgent cases."

10. Such petitions do not serve any purpose; rather contribute to wastage of precious judicial time. The Court, as observed by the Hon'ble Supreme Court in the case of ***State of Uttaranchal v. Balwant Singh Chauhal, (2010) 3 SCC 402***, is expected,

on one hand to encourage the genuine causes being brought before it however, at the same time, attempts by filing such baseless petitions and petitions based on completely unsubstantiated legal grounds should be discouraged. Having regard to the principle laid down by the Hon'ble Supreme Court in the case of ***Balwant Singh Chauhal (supra)***, we find that the petition is liable to be dismissed.

11. Accordingly, the PIL petition is hereby dismissed.

12. However, there will be no order as to costs.

13. Interim application(s), if any, stands disposed of.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)