

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No.39 of 2025

Somnath Chatterjee, Aged about 51 years, S/o Late Bijay Shankar Chatterjee, R/o Vill-Chotanagri, P.O.-Dhanbad, P.S.-Dhanbad, District: Dhanbad, Jharkhand-828121.

... .. **Petitioner**

Versus

1. State of Jharkhand.
2. Directorate of Enforcement, through its Additional Director, Ranchi Zonal Office, Plot No.1502/B, Airport Road, P.O. + P.S. – Hinoo, Dist-Ranchi, Jharkhand-834002.
3. Central Bureau of Investigation, through its Joint Director, Ranchi Zone, 2 Booty Road, P.O. + P.S. – Bariyatu, Dist – Ranchi, Jharkhand – 834008.
4. Income Tax Department, through its Chief Commissioner of Income Tax, Central Revenue Building, SA, Main Road, P.O. + P.S. – Sadar, Dist-Ranchi, Jharkhand.
5. Director General of Police, Jharkhand Police, Government of Jharkhand, Jharkhand Police Headquarters, P.O. + P.S. – Dhurwa, Dist-Ranchi – 834004.

... .. **Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant	: Mr. Anurag Tiwary, Advocate [Through V.C.]
	: Mr. Ritik Raj, Advocate
For the Respondent	: Mr. Prashant Pallav, Advocate
	: Mr. Amit Kumar Das, Advocate
	: Mr. Saurav Kumar, Advocate
	: Mr. Kumar Vaibhav, Advocate
	: Mr. Durgesh Agarwal, Advocate

C.A.V. on 16.06.2025 Pronounced on 18/07/2025

Per Sujit Narayan Prasad, J.

Prayer

1. The writ petition has been filed under Article 226 of the Constitution of India in the nature of Public Interest Litigation seeking therein following reliefs :-

- a. Issue a writ, order or direction constituting a Special Investigation Team (SIT) headed by a retired judge of this Hon'ble Court and comprising of a Superintendent of Police (SP) rank officer each from the Income Tax Department (ITD), Directorate of Enforcement (ED), Central Bureau of Investigation (CBI), and Jharkhand Police to investigate into the various allegations of disproportionate assets beyond known sources of income, corruption and various illegal activities against Shri Dhullu Mahto (Hon'ble Member of Parliament, Lok Sabha, Dhanbad) in a time bound manner.
- b. Issue a writ, order or direction transferring all (if any) investigation against Shri Dhullu Mahto pending before the CBI, Income Tax Department and ED to the Special Investigation Team (SIT) constituted by this Hon'ble Court.
- c. Issue a writ, order or direction, preferably in the nature of a 'continuing mandamus' so as to enable this Hon'ble Court to regularly monitor the investigation being carried out by the SIT from time to time.
- d. Issue a writ, order or direction taking cognizance of the defective, biased, slow, willfully negligent and tainted investigation carried out by the agencies/officers in the present matter for the last 13+ years leading to a gross delay thereby perpetuating illegality and rendering the administration of justice irrelevant and defunct.
- e. Issue a writ, order or direction providing state security to the petitioner herein given the grave threat to his life and liberty.
- f. Pass any other appropriate writ(s), order(s) or direction(s) as your Lordships may deem fit and proper in the facts and circumstances of the present case.

Factual Matrix

2. The brief facts of the case as per the pleading made in the writ petition, which are required to be enumerated, read as under:-

It is the case of the petitioner that this petitioner had approached this Court by way of a Public Interest Litigation being W.P.(PIL) No. 6438 of 2011 seeking investigation into, inter alia, the disproportionate assets beyond the known sources of income of Shri Dhullu Mahto. After hearing the said PIL, this Court disposed of the same by an order dated 30.03.2016 observing that the authorities would carry out the necessary investigation into the petitioner's allegations after giving an opportunity of hearing to Shri Dhullu Mahto.

3. When no action was taken by the investigating authorities/agencies on the petitioner's representations/complaints, he filed one Civil Miscellaneous Petition being C.M.P. No. 184 of 2018 seeking status report of the investigation, if any, carried out as per this Court's order dated 30.03.2016 in W.P.(PIL) No.6438 of 2011.

4. In C.M.P. No. 184 of 2018, the Income Tax Department filed an affidavit dated 10.02.2020 stating that after preliminary investigation into the complaints of the petitioner, several income tax violations and a few benami properties were discovered. The affidavit further stated that necessary action as per the Income Tax Act had been initiated against Shri Dhullu Mahto and his associates and that the investigation into the benami properties was being carried out by the Benami Property Unit, Patna.

5. It is the further case of the petitioner that when the Income Tax Department did not provide any detail on the status of the pending investigation to this Court as per its own affidavit dated 10.02.2020, this Court vide its order dated 20.06.2022 sought the status of the said pending investigation.

6. The Income Tax Department filed a supplementary counter affidavit on 06.07.2022 indicating that investigation was still being carried out.

7. The Jharkhand State Police also filed an affidavit dated 07.07.2022 wherein it was stated that a total of 46 FIRs had been registered against Shri Dhullu Mahto. Out of the 46 FIRs, trials had already been concluded in cases arising out of 21 FIRs. 12 FIR's had culminated in the chargesheet. In 3 FIRs FRT had been submitted and 9 FIRs were still pending at the stage of investigation.

8. Thereafter, the petitioner sent a representation dated 06.08.2022 to the Enforcement Directorate informing them about an additional 670 crores worth of Benami properties/assets of Shri Dhullu Mahto. He also filed an interlocutory application furnishing the said information before this Court. This Court vide its order dated 26.08.2022 directed the respondents to file their reply to the said interlocutory application.

9. The Income Tax Department filed its affidavit dated 15.09.2022 stating that a preliminary investigation regarding the veracity of the petitioner's complaint/representation dated 06.08.2022 was being carried out by the department. However, nothing was ever heard from the department thereafter.

10. The petitioner again sent a representation dated 20.10.2022 to the Enforcement Directorate informing them about an additional 1020 crores worth of benami properties/assets of Shri Dhullu Mahto. However, no action was taken by the department.

11. This Court dismissed the C.M.P. No. 184 of 2018 vide its order dated 04.04.2024 by noting that the petition was only a waging attempt by the petitioner.

12. Shri Saryu Roy, Former Finance Minister for the State of Jharkhand and presently a Member of the Jharkhand Legislative Assembly and Chairperson of the Committee on Public Undertaking, conducted a press conference on 05.04.2024 wherein he pointed out that Shri Dhullu Mahto has been associated with several private companies which are involved in money laundering through coal scam in Dhanbad District. He sought for an independent investigation into the matter by the Enforcement Directorate. He thereafter sent a letter dated 25.04.2024 to the Hon'ble Governor of Jharkhand seeking

an investigation into the illegal activities of Shri Dhullu Mahto.

13. Shri Roy alleged that during his visit to the Baghmara area of Dhanbad District, he came to know that the present MLA of the area, Shri Dhullu Mahto (who is now a Hon'ble Member of Parliament), was not just overpowering the locals in the area by torturing them, but was also grabbing their private land, including government land through coercion and threats. Despite several complaints to the police and the officers in the administration, no action was being taken against him.

14. Upon receipt of such letter, the Governor Secretariat wrote a letter dated 24.05.2024 to the Deputy Commissioner, Dhanbad directing him to conduct a detailed investigation in the matter and take action as per the law. However, no action has been initiated/taken until now.

15. The writ petitioner has again approached this Court by filing the instant Public Interest Litigation Petition.

16. It is evident from the factual aspect that the writ petitioner, claiming himself to be the social worker, has no personal interest, direct or indirect, has filed the instant Public Interest Litigation for the welfare and benefit of public at large.

17. The credential has also been filed by way of supplementary affidavit on 16.12.2024.

18. It appears from the allegation as has been stated in the pleading in the instant Public Interest Litigation that Shri Dhullu Mahto, a sitting Member of Parliament from Dhanbad in the State of Jharkhand, that he has amassed huge property beyond the known sources of income.

19. The present petitioner, however, has approached this Court also by filing one writ petition in the nature of Public Interest Litigation being W.P.(PIL) No.6438 of 2011 seeking investigation into the disproportionate asset beyond the known source of income of said Shri Dhullu Mahto.

20. The said PIL was disposed of vide order dated 30.03.2016 by making observation therein that the authorities would carry out necessary investigation into the petitioner's allegation after giving an opportunity of hearing to the said Shri Dhullu Mahto.

21. It has been stated that in the petition that when no action was taken by the investigating agencies on the petitioner's representations/complaints, one Civil Miscellaneous Petition being C.M.P. No. 184 of 2018 was filed seeking status report of the investigation, if any, carried out as per this Court's order dated 30.03.2016 in W.P.(PIL) No.6438 of 2011.

22. The said Civil Miscellaneous Petition being C.M.P. No. 184 of 2018 was heard.

23. It has been stated that the State Police filed an affidavit dated 07.07.2022 informing this Court that a total of 46 FIRs had been registered against Shri Dhullu Mahto. Out of the 46 FIRs, trials had already been concluded in cases arising out of 21 FIRs. 12 FIR's had culminated in the chargesheet. In 3 FIRs FRT had been submitted and 9 FIRs were still pending at the stage of investigation.

24. The representation had again been made by the petitioner dated 06.08.2022 to the Enforcement Directorate informing them about an additional 670 crores worth of Benami properties/assets of said Shri Dhullu Mahto. The petitioner also filed an interlocutory application furnishing the said information before this Court. This Court vide its order dated 26.08.2022 directed the respondents to file their reply to the said interlocutory application.

25. The Income Tax Department filed its affidavit dated 15.09.2022 stating that a preliminary investigation regarding the veracity of the petitioner's complaint/representation dated 06.08.2022 was being carried out by the department.

26. The petitioner again sent a representation dated 20.10.2022 to the Enforcement Directorate informing them about an additional 1020 crores worth of benami

properties/assets of Shri Dhullu Mahto. However, no action was taken by the department.

27. This Court dismissed the C.M.P. No. 184 of 2018 vide its order dated 04.04.2024 by noting that the petition was only a wagering attempt by the petitioner.

28. The present Public Interest Litigation has again been filed seeking therein a direction from this Court to have an investigation into the disproportionate property of the said Shri Dhullu Mahto by constituting a Special Investigation Team (SIT) headed by a retired judge of this Court and comprising of officers from the Income Tax Department, Directorate of Enforcement (ED), Central Bureau of Investigation (CBI) and Jharkhand Police.

29. The matter was listed before this Court immediately after removal of defects and heard on 20.01.2025.

30. The matter was adjourned on the prayer being made by the learned senior counsel for the petitioner Mr. Prashant Bhushan who took time to file supplementary affidavit showing the credential of the petitioner.

31. The supplementary affidavit has been filed in pursuance to the order dated 20.01.2025 showing the credential of the present petitioner.

32. The matter was again listed on 27.01.2025. Mr. Amit Kumar Das, learned counsel appearing for the Respondent No.2-ED, has taken an oral objection by

making reference of the order dated 30.03.2016 passed in W.P.(PIL) No.6438 of 2011 that the same petitioner had filed Public Interest Litigation which has been held to be not a Public Interest Litigation, hence the issue of maintainability of the present Public Interest Litigation has been raised.

33. The matter, thereafter, was listed on 18.02.2025. On that date, the matter was adjourned on the prayer made on behalf of the petitioner and the Respondent No.2.

34. Again, the matter was listed on 17.03.2025. The matter was adjourned due to non-appearance of Advocate-on-Record, namely, Ritik Raj.

35. The matter was listed on 20.03.2025 as per the order dated 17.03.2025. Learned counsel appearing for the Respondent No.3-CBI and Respondent No.4-Income Tax Department, have sought for three weeks' time to file their respective counter affidavits.

36. The matter, thereafter was listed on 05.05.2025. On that date the matter was adjourned on the prayer made on behalf of the petitioner on the ground of non-availability of Mr. Prashant Bhushan, learned Senior counsel who was to appear through virtual mode but due to some personal difficulty, he could not appear. The matter was adjourned on such prayer by directing the office to list this matter on 16.06.2025 and thereby the matter has been listed today.

37. The concerned respondents have filed their respective counter affidavits.

38. It has been stated in the counter affidavit filed on behalf of Respondent No.2-Directorate of Enforcement, that the complaints have been registered being ECIR No. ECIR/RNZO/09/2023 on the basis of 7 FIRs, i.e., FIR No.11/20 PS Barora, Dhanbad dated 14.02.2020, FIR No.13/20 PS Barora, Dhanbad dated 02.03.2020, FIR No.21/21 PS Barora, Dhanbad dated 16.04.2021, FIR No.39/21 PS Barora, Dhanbad dated 02.08.2021, FIR No.12/22 PS Barora, Dhanbad dated 23.02.2022, FIR No.54/22 PS Barora, Dhanbad dated 04.09.2022 and FIR No.85/20 PS Barora, Dhanbad dated 15.02.2020.

39. It has also been stated that investigation pertaining to aforesaid ECIR is undergoing.

40. The Respondent No.4-Income Tax Department has also filed counter affidavit wherein the issue of maintainability has been raised by referring the order dated 30.03.2016 passed in W.P.(PIL) No.6438 of 2011 wherein the Coordinate Bench of this Court has passed an order that the issue which has been raised in the said PIL is not an issue said to involve the public interest and, as such, it is not a Public Interest Litigation.

41. It has been stated that in W.P.(C) No.6116 of 2017 the ED, Income-tax Department as well as said Shri Dhullu

Mahto, Member of Parliament, were impleaded as party respondents. However, the said writ petition was withdrawn by the petitioner on 12.02.2018 with liberty to take recourse as provided under law. The copy of the said order has been appended with the said counter affidavit.

42. It has also been stated in the counter affidavit that thereafter, the Petitioner filed a Civil Miscellaneous Petition being C.M.P. No. 184 of 2018 before this Hon'ble Court seeking direction upon the Income Tax Department, ED and CBI to submit a report of inquiry conducted against said Shri Dhullu Mahto in light of the aforesaid order dated 30.03.2016 passed in W.P.(PIL) No.6438 of 2011.

43. It has further been averred that in the said C.M.P. No. 184/2018, the answering respondent had filed affidavits disclosing the status of the inquiry done by the answering respondent. This Court vide order dated 04.04.2024 dismissed the said C.M.P. inter alia holding that having regard to the nature of the order passed by this Court in W.P(PIL) No. 6438/2011, this petition seems to be a waging attempt by the petitioner which is accordingly dismissed.

44. The said order dated 04.04.2024, to the best of the information of the answering respondent, has never been challenged by the petitioner, and hence the same has attained its finality.

45. It has been stated that the Income Tax Department is proceeding with the statutory requirement by conducting reassessment in exercise of power conferred under Section 143(3) read with Section 147 of the Income Tax Act, 1961.

46. It has been mentioned that the petitioner though in the earlier filed PIL, WPC and CMP had impleaded Shri Dhullu Mahto as a party respondent, however, in the instant PIL, the Petitioner has not impleaded Shri Dhullu Mahto as a party Respondent, and on this score of non-impleadment of the affected party as a party respondent, several PILs have been dismissed by this Court.

47. It has been stated that in light of the aforesaid facts, as well as the order dated 30.03.2016 and the order dated 04.04.2024 (passed in W.P(PIL) No. 6438/2011 and C.M.P. No. 184 of 2018 respectively) by this Court in the cases filed by the very same petitioner, the instant Public Interest Litigation may not be entertained.

Submission of the learned counsel appearing for the petitioner:

48. Mr. Anurag Tiwary, learned counsel on record, has appeared through virtual mode along with Mr. Ritik Raj, learned counsel, and has submitted by referring to the counter affidavit filed on behalf of Respondent Nos. 3 and 4 that the fact about the disproportionate asset is admitted one if the averment made in these counter affidavits will be

taken into consideration but the investigation which has been shown to be conducted by the Income Tax Department or the Enforcement Directorate, cannot be said to be at proper pace and, as such, appropriate direction is required to be passed by this Court so that the investigation in the matter may proceed for its conclusion.

49. It has been contended that since the money is involved said to be accumulated by the said Shri Dhullu Mahto and, as such, the nature of prayer made in the writ petition cannot be said to be not involving the public interest. Therefore, an appropriate direction may be passed directing the investigating agency including the Income Tax Department to conclude the investigation so that the trial be concluded.

Submission made by the learned counsel for the respondents

50. Mr. Amit Kumar Das, learned counsel appearing for the Enforcement Directorate and Mr. Prashant Pallav, learned counsel appearing for the Income Tax Department have jointly submitted that the present petition is not maintainable since has been filed in the nature of public interest in view of the order passed by the Coordinate Bench of this Court order dated 30.03.2016 passed in W.P(PIL) No. 6438/2011 and the order dated 04.04.2024 passed in C.M.P. No. 184 of 2018.

51. Both the counsel has pointed out by referring the order dated 30.03.2016 passed in W.P(PIL) No. 6438/2011 that the same prayer was made by the writ petitioner herein, i.e., for issuance of direction upon the Income Tax Department to assess/reassess the income owned by the said Shri Dhullu Mahto. This Court, however, has passed order holding the petition not a Public Interest Litigation.

52. Learned counsel for the ED has further submitted that the ED has already registered ECIR on the basis of 7 FIRs instituted against said Shri Dhullu Mahto.

53. Learned counsel for the Income Tax Department has submitted that the notice under Section under Section 143(3) of the Income Tax Act, 1961 has already been issued and the Income Tax Department is in the process of reassessment and the proceeding to take appropriate decision on the basis of the statutory requirement.

54. Both the learned counsel, therefore, have submitted on the basis of the argument advanced on behalf of the petitioner that what is being argued for issuance of direction for the purpose of monitoring of the investigation by the ED or investigation/enquiry by the Income Tax Department which is not required in exercise of power conferred under Article 226 of the Constitution of India.

55. It has also been contended that handing over the investigation to CBI is also unwarranted since both the

prosecuting agencies, i.e., ED and Income Tax Department, have proceeded on the basis of the FIRs instituted by the State Police.

Analysis

56. Heard learned counsel for the parties and gone through the pleadings made in the writ petition.

57. The issue of maintainability has been raised by the learned counsel for the respondents and further, that no direction can be issued in a Public Interest Litigation where the person concerned has not been impleaded as party against whom the relief is being sought for, i.e., Shri Dhullu Mahto, while in the earlier round of litigation, i.e., W.P.(PIL) No.6438 of 2011, said Shri Dhullu Mahto was party to the proceeding as Respondent No.10, for ready reference, the party position of W.P.(PIL) No.6438 of 2011 is being referred hereunder as :-

Somnath Chatterjee, S/o Late Vijay Shankar Chatterjee,
R/o Hizna Colony, P.S. & P.O. Zogta, District Dhanbad.
... Petitioner

Versus

1. The State of Jharkhand
2. The Chief Secretary, Government of Jharkhand, Project Building, P.O. & P.S. Dhurwa, District Ranchi
3. The Director, Investigation, Income Tax Department, Ayakar Bhawan, Main Road, Ranchi
4. The Additional Director (Investigation), Income Tax Department, Ayakar Bhawan, Main Road, Ranchi
5. The Director, Enforcement Directorate, Prevention of Money Laundering Department, Patna
6. The Central Bureau of Investigation
7. The Director, Central Bureau of Investigation, C.E.O. Complex, New Delhi
8. The ChairmancumManaging Director, Bharat Coking Coal Ltd., Koyla Bhawan, Dhanbad
9. The General Manager (Sale & Marketing), Bharat Coking Coal Ltd., Koyla Bhawan, Dhanbad

10. Dhullu Mahto, S/o Late Puna Mahto, R/o Chhitahi,
P.O. Tundu, P.S. Barora, District Dhanbad
... Respondents

58. The prayer which has been made in the present writ petition is three folds :-

- (i) To handover the investigation to CBI.
- (ii) The Enforcement Directorate be directed to complete the investigation on ECIR registered on the basis of 7 FIRs.
- (iii) Early enquiry by giving conclusive finding by the Income Tax Department on the issue of reassessment of the assets of said Shri Dhullu Mahto.

59. The present writ petition is, by way of Public Interest Litigation for the aforesaid purpose.

60. It is also admitted fact that in the earlier Public Interest Litigation said Shri Dhullu Mahto was party to the proceeding but in the present writ petition in the nature of Public Interest Litigation, the said Shri Dhullu Mahto is not party. However, the entire allegation is against him.

61. This Court, before appreciating the argument advanced on behalf of parties, deems it fit and proper to see whether the instant petition is maintainable in the nature of Public Interest and for this purpose, the law laid down by the Hon'ble Apex Court along with the interpretation of word "Public Interest Litigation" is also required to be referred.

62. The Hon'ble Apex Court in the case of **Ashok Kumar Pandey v. State of W.B.**, reported in **(2004) 3 SCC 349**, at paragraph nos. 5 to 16 while interpreting the expression "public interest litigation" has held as under:

"5. It is necessary to take note of the meaning of the expression "public interest litigation". In Stroud's Judicial Dictionary, Vol. 4, 4th Edn., "public interest" is defined thus: "Public interest.—(1) A matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement; but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected."

6. In Black's Law Dictionary, 6th Edn., "public interest" is defined as follows: "Public interest.—Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. It does not mean anything so narrow as mere curiosity, or as the interests of the particular localities, which may be affected by the matters in question. Interest shared by citizens generally in affairs of local, State or national Government."

7. In Janata Dal case [(1992) 4 SCC 305] this Court considered the scope of public interest litigation. In para 53 of the said judgment, after considering what is public interest, the Court has laid down as follows: (SCC p. 331) "53. The expression „litigation“ means a legal action including all proceedings therein, initiated in a court of law with the purpose of enforcing a right or seeking a remedy. Therefore, lexically the expression „PIL“ means a legal action initiated in a court of law for the enforcement of public interest or general interest in which the public or a class of the community have pecuniary

interest or some interest by which their legal rights or liabilities are affected.”

8. In paras 60, 61 and 62 of the said judgment, it was pointed out as follows: (SCC p. 334) “62. Be that as it may, it is needless to emphasise that the requirement of locus standi of a party to a litigation is mandatory, because the legal capacity of the party to any litigation whether in private or public action in relation to any specific remedy sought for has to be primarily ascertained at the threshold.”

9. In para 98 of the said judgment, it has further been pointed out as follows: (SCC pp. 345-46) “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.”

10. In subsequent paras of the said judgment, it was observed as follows: (SCC p. 348, para 109)

“109. It is thus clear that only a person acting bona fide and having sufficient interest in the proceeding of PIL will alone have a locus standi and can approach the court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or private profit or political motive or any oblique consideration. Similarly, a vexatious petition under the colour of PIL brought before the court for vindicating any personal grievance, deserves rejection at the threshold.”

11. It is depressing to note that on account of such trumpety proceedings initiated before the courts, innumerable days are wasted, which time otherwise

could have been spent for the disposal of cases of genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death and facing the gallows under untold agony, persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters — government or private, persons awaiting the disposal of cases wherein huge amounts of public revenue or unauthorized collection of tax amounts are locked up, detenus expecting their release from the detention orders etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for the glare of publicity break the queue muffling their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the court never moves, which piquant situation creates frustration in the minds of genuine litigants and resultantly, they lose faith in the administration of our judicial system.

12. Public interest litigation is a weapon which has

to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or a member of the public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases, with exemplary costs.

13. The Council for Public Interest Law set up by the Ford Foundation in USA defined “public interest litigation” in its Report of Public Interest Law, USA, 1976 as follows: “Public interest law is the name that has recently been given to efforts that provide legal representation to previously unrepresented groups and interests. Such efforts have been undertaken in the recognition that ordinary marketplace for legal services fails to provide such services to significant segments of the population and to significant interests. Such groups and interests include the proper environmentalists, consumers, racial and ethnic minorities and others.”

14. The court has to be satisfied about: (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; and (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests: (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The court has to act ruthlessly while dealing with imposters and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.

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] and *A.P. State Financial Corpn. v. Gar Re-Rolling Mills* [(1994) 2 SCC 647]. 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]. 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.

16. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where even a minuscule percentage can legitimately be called public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in *Duryodhan Sahu (Dr) v. Jitendra Kumar Mishra* [(1998) 7 SCC 273] this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the courts should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforestated so that the message goes in the right direction that petitions

filed with oblique motive do not have the approval of the courts.”

[Emphasis supplied]

63. This Court, after having gone through the aforesaid judgment, found therefrom that the “public interest” as has been defined by Hon’ble Apex Court in *Ashok Kumar Pandey v. State of W.B. (Supra)* means that the matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement; but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected.

64. It is further evident from the aforesaid judgment that the reference of the Black's Law Dictionary, 6th Edition has been made which defines “public interest” to the effect that something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. It does not mean anything so narrow as mere curiosity, or as the interests of the particular localities, which may be affected by the matters in question. Interest shared by citizens generally in affairs of local, State or national Government.

65. The Hon’ble Apex Court further in **State of Uttaranchal vs. Balwant Singh Chaufal and Ors. (2010) 3**

SCC 402, has been pleased to lay down the guidelines as under paragraph 181, extract of which read as hereunder:

“181. We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

(1) The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

(2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.

(3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.

(4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

(5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine

public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.”

66. In addition to the aforesaid proposition, so far as the nature of present case is concerned against Shri Dhullu Mahto who is not party to the proceeding, this Court has already expressed its view holding the similar nature of allegation which are the subject matter of W.P.(PIL) No.6438 of 2011 as not a Public Interest Litigation. However, liberty was given to proceed with the enquiry, for ready reference, the order dated 30.03.2016 is being referred herein :-

“1) This Public Interest Litigation has been preferred for the following prayers: -

(a) For, the directions upon the respondents to enquire into the wrong statement of account of property submitted by the respondent no.10, and has amassed crores of rupees from his known sources of income either his own name or, on the name of his own close ones by misusing his office as Member of Legislative Assembly from Baghmara Assembly Constituency.

(b) For, the direction upon the respondents no.5 & 7 to register a regular criminal cases against the respondent no. 10, under Prevention of Money Laundering Act, and Prevention of Corruption Act, 1988, as the respondent no. 10 is a public servant.

(c) For, the issuance of an appropriate writ especially in the nature of mandamus upon the respondent no. 2 to collect evidences upon investigation and refer the same to the Election Commission of India, for cancellation of the membership of Jharkhand Assembly as the respondent no. 10 has committed fraud in his affidavit submitted at the time of filing of nomination.

(d) For, the direction upon the respondents especially respondent no. 2 to extend protection of the life of the petitioner & his family members as the respondent no. 10 is a dreaded criminal having not less than dozen of criminal cases, and few days back he has beaten up the media person of Prabhat Khabar for publishing his misdeeds.

(e) For, the direction upon the respondents to regularly apprise this Hon'ble Court.

(f) For any other appropriate relief or, relief(s).

2) Having heard learned counsels for both sides and looking to the facts and circumstances of the case, it appears that this is not a Public Interest Litigation at all. The petitioner is unable to point out the ownership of several properties in the name of this respondent no.10. Even otherwise also, the owners of the lands in question, which are referred in the memo of petition, can take action against respondent no.10 if they are aggrieved by the fake and fabricated sale deeds or the sale deeds have been entered into under threat or coercion. So far as other allegations are concerned, criminal proceedings are already pending looking to paragraph 11 of this writ petition.

3) It appears from the facts of the case that several details have been given about the so-called excess income and the purchases of the property by the respondent no.10. Any excess income or excess property can be looked into by the Income Tax Department who is respondent nos.3 and 4. Thus, respondent no.3 and 4 will take all care of these allegations and also enquire into the matter and after giving adequate opportunity of being heard to the respondent no.10, action under law will be taken. Similar is the case

with other allegations also. In this set of circumstances, we are not inclined to give any relief to this petitioner.

4) The State shall expedite the investigation into the criminal cases and the necessary reports will be filed under the Code of Criminal Procedures, 1973.

5) Registrar General of this Court is directed to send a copy of this writ petition along with all the annexures and also along with the supplementary affidavits filed by the petitioner to the Director (Investigation), Income Tax Department, Ayakar Bhawan, Main Road, Ranchi; as well as Additional Director (Investigation), Income Tax Department, Ayakar Bhawan, Main Road, Ranchi. Similarly, copy of this writ petition as well as additional affidavits filed by the petitioner shall be sent to the respondent no.5. It is expected from the respondents that if any illegality is found as mentioned in the petition, action will be taken by them after giving adequate opportunity of being heard to the respondent no.10 in accordance with law.

6) With these observations, this writ petition is disposed of.

7) I.A. No.7729 of 2013 also stands disposed of as not pressed.”

67. It is also important to note that again one Civil Miscellaneous Petition was filed against slow progress of investigation being C.M.P. No.184 of 2018 which has also been dismissed vide order dated 04.04.2024.

68. Again, the same petitioner has filed the instant writ petition praying therein the same nature of prayer.

69. Learned counsel for the respondents has referred the order dated 30.03.2016 passed by this Court wherein specific observation has been made that the nature of writ petition cannot be said to be Public Interest Litigation in a case where Shri Dhullu Mahto was party. But again, the

same prayer has been made to direct the prosecuting agency to conduct an investigation/enquiry and as has been argued today, that the monitoring of the said proceeding has been sought to be there.

70. This Court, therefore, is of the view that once this Court has expressed its view holding the nature of allegation as has been made against Shri Dhullu Mahto as not the Public Interest Litigation, hence, if that order has been referred to raise the issue of maintainability of the present writ petition, then such issue cannot be said to be baseless.

71. Moreover, the part of the order by which the observation was made by the Coordinate Bench of this Court holding the nature of allegation not to be a Public Interest Litigation has not been challenged before higher forum and, as such, the same has attained its finality.

72. The objection regarding maintaining the writ petition in the light of the order dated 03.03.2016 passed by this Court W.P.(PIL) No.6438 of 2011 has not been challenged by the writ petitioner before the higher forum, therefore, this Court is of the view that such objection cannot be said to have no basis.

73. This Court is further of the view that if the present writ petition will be entertained, then the same will amount to reviewing the observation already made by the

Coordinate Bench of this Court in the order dated 30.03.2016 passed in W.P.(PIL) No.6438 of 2011 against which the civil miscellaneous petition was also dismissed.

74. This Court, therefore, is of the view that the present writ petition is not maintainable and the same is accordingly dismissed.

75. Before parting with the order, it needs to be mentioned that since the investigation/proceedings are pending before the Enforcement Directorate and Income Tax Department, as such, it is expected that said investigation/proceedings will be concluded in order to give logical end without any delay.

I agree

(Sujit Narayan Prasad, J.)

(Rajesh Kumar, J.)

(Rajesh Kumar, J.)

Birendra/**A.F.R.**