

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 29 of
2022****[Reasoned order in R/WPPIL/29/2022]**

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CHETANGIRI KAILASHGIRI APARNATHI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR C.J. VIN with MR RIDDHESH TRIVEDI(6581) for the
Applicant(s) No. 1,2,3,4,5,6,7

MS HETAL PATEL, AGP for the Opponent(s) No. 1,2,7,8

MR DEEPAK P SANCHELA(2696) for the Opponent(s) No. 3

MR ANSHIN H. DESAI, SR ADVOCATE with MR. ZALAK B
PIPALIA(6161) for the Opponent(s) No. 5.1,5.2,5.3,5.4,5.5,5.6

NOTICE SERVED for the Opponent(s) No. 4,6

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CORAM:**HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

HONOURABLE MR.JUSTICE D.N.RAY**Date : 11/07/2025****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. The present petition in the nature of Public interest litigation has been filed by seven persons claiming to be residents of Veraval, District Gir-Somnath.
2. As per statement made in the Writ petition, all the petitioners are local residents of Veraval and petitioners no.1 to 6 are journalists. It is contended in the Writ petition that the petitioners are filing the present petition purely in the public interest on their own and

not at the instance of any other person or organisation. The litigation cost, including the advocate's fee and the travelling expenses, etc. are being borne by the petitioners themselves. The present petitioners are not facing any contempt proceedings at the time of filing of the Writ petition.

3. The main dispute raised by the petitioners are pertaining to the constructions raised by the private respondents no. 5 Vinayak Builders through its partners impleaded as respondents no.5.1 to 5.6. It is stated that the private respondents no.5 and 6 are builders who have put up unauthorised constructions and have not removed such constructions and thereby, endangered the life of local residents.
4. The statement in paragraph no.4.1 of the Writ petition is that the private respondents wanted to put up commercial-cum-residential complex at Town Planning Scheme No. 1 of Final Plot No. 80, Sub-plot Nos.1 to 4 situated at Jagnathnagar, Nr. Sripal Society, Gita Vidhyalaya Road, Veraval, Gir Somnath, Gujarat and for that purpose, they had applied for development permission which was granted on 06.08.2019 by the Veraval Patan Area Development Authority under Section 29, 34 and 49 of the Gujarat Town Planning and Urban Development Act, 1976 read with Sections 253 and 254 of the Gujarat Provincial Municipal Corporation Act, 1949.
5. It is contended that as against the development

permission, specifically condition no.8 therein, the private respondents have built up units for residential purposes. It is further stated in paragraph no. 4.2 of the Writ petition that on 22.06.2020, the residents of one Hari Om Society, Veraval preferred an application to the Chief Officer, Veraval Patan Joint Municipality stating that the private respondents have violated the conditions upon which the development permission was granted to them and they have not put up constructions as per the plan approved by the municipality. It was also brought to the notice of the Chief Officer, Municipality that the development permission granted vide order dated 21.06.2019 had expired after one year on 21.06.2020 and, thus, it was prayed by the residents of Hari Om Society to take immediate action against the private respondents for removal of unauthorised construction. The notice dated 25.06.2020 had been issued thereafter. It is contended that the office of the Collector, Gir-Somnath had also called for the comment of the Chief Officer, Municipality by writing a letter dated 08.07.2020.

6. However, as per the contention in paragraph no.4.5 of the Writ petition, to the utter shock and surprise of the present petitioners, another development permission was granted on 02.12.2020 vide order dated 28.10.2020 for Sub Plot Nos. 13, 14, 19 and 20 of the same Final Plot No. 80, subject matter of consideration herein. The further contention in paragraph no.4.6 onwards in the Writ petition is that the present petitioner no.1 made an



application on 07.05.2021 before the Chief Officer, Veraval raising issue with regard to the illegal activities of the respondents developers.

7. On 16.06.2021, the petitioner no.2 preferred a detailed representation highlighting the illegal activities of private respondents for constructing shopping centres at the proposed site. On 25.06.2021, another notice was issued by the Chief Officer, Municipality and further, a representation was made on 12.07.2021 by the petitioner no.1 herein to bring the attention of the Chief Officer, Municipality to the illegal activities of the private respondents. Final notice dated 04.10.2021 was issued by the Chief Officer, Municipality directing the respondents to remove unauthorised constructions within 10 days of the receipt of the said notice and report the same to the office of the Municipality. The contention in the Writ petition, thus, is that inspite of all efforts made by the petitioners, no action has been taken by the Nagarpalika.
8. Pertinent is to note that as per the statement made in paragraph no.4.14 of the Writ petition, the private respondents have challenged a show-cause notice issued by the Mamlatdar, Veraval in connection with the land in question and filed a Special Civil Application No. 20551 of 2019, which is pending consideration before this Court, wherein also the petitioners no.1 and 2 have filed application for joining as parties.
9. Apart from the assertions made with regard to the



alleged illegal constructions raised by the private respondent no.4, in paragraph no.4.15 onwards, assertions have been made with regard to illegal constructions raised by the private respondent no.6 on another Final Plot No. 52 at Alana Mill Compound part of Town Planning Scheme No. 24 and a reference has been made to the notice dated 15.12.2021 issued to private respondent no.6.

10. Taking note of the above, we may take note of the prayers made in the Writ petition as under :-

"(a) Issue a writ of mandamus, certiorari, or any other appropriate writ, to direct respondent no. 1 to 3 to initiate proceedings against the private respondent no. 4 for the removal of unauthorized construction put up on sub plot no. 1 to 4 and S.P. No. 13, 14, 19 & 20 of proposed F.P. No. 80P situated at Jagnath Nagar, Nr. Sripal Society, Gita Vidhyalaya Road, Veraval, Dist. Gir-Somnath under the provision of the Gujarat Town Planning and Urban Development Act-1976 and under the provision of Gujarat Provincial Municipal Corporation Act-1949.

(b) Further be pleased to cancel development permission granted vide order dated 21.06.2019 under case no. 1171296 granted by Veraval Patan Area Development Authority and further be pleased to cancel development permission granted vide order dated 28.10.2020 under case no. 1479116 as the same are in violation of condition of development permission and are in violation of provision of Gujarat Town Planning and Urban Development Act-1976 and in violation of Gujarat Provincial Municipal Corporation Act-1949.

(c) During the pendency of this petition YOUR



LORDSHIP be pleased to direct private respondent 4 not to put anymore construction on sub plot no. 1 to 4 and S.P. No. 13, 14, 19 & 20 of proposed F.P. No. 80P situated at Jagnath Nagar, Nr. Sripal Society, Gita Vidhyalaya Road, Veraval, Dist. Gir-Somnath.

(d) During pendency and final disposal of present petition YOUR LORDSHIP be pleased to direct private respondent 4 not to transfer any of the constructed residential and/or commercial unit in favour of any third person in any manner whatsoever;

(e) During pendency and final disposal of present petition YOUR LORDSHIP be pleased to direct respondent no. 1 to 3 not to issue completion certificate u/s. 263 of The Gujarat Provincial Municipal Corporation Act-1949.

(f) During pendency and final disposal of present petition YOUR LORDSHIP be pleased to direct respondent no.6 not to register any sale deed, mortgage deed, lease deed/s in connection with property situated at Sub Plot no.1 to 4 and S.P. No. 13, 14, 19 & 20 of proposed F.P. No. 80P situated at Jagnath Nagar, Nr. Sripal Society, Gita Vidhyalaya Road, Veraval, Dist. Gir-Somnath."

11. From the prayers made in the Writ petition, it is clear that the petitioners are essentially raising a dispute with regard to the constructions raised by private respondent no.5 (wrongly mentioned as respondent no.4) on Sub-plots no. 1 to 4 and Sub-plots no.13, 14, 19 and 20 of the proposed Final Plot No. 80P situated at Jagnath Nagar, Nr. Sripal Society, Gita Vidhyalaya Road, Veraval, Dist. Gir-Somnath. All the prayers made in the Writ petition are directed against respondent no.5 only. As regards respondent no.6, though prayer no. (f) has been made,

but the same actually refers to the constructions raised by respondent no.5 over Sub-plot Nos. 1 to 4 and Sub-plot Nos. 13, 14, 19 and 20 of proposed Final Plot No. 80P situated at Jagnath Nagar, Nr. Sripal Society, Gita Vidhyalaya Road, Veraval, Dist. Gir-Somnath, which is forming part of prayer (a) of the Writ petition. Thus, the petitioners have not sought any relief against private respondents no.6 though some allegations have been made in the Writ petition about the constructions raised by him on a separate plot.

12. As regards the stand of the municipality, we may record from the affidavit dated 25.08.2022 of the Chief Officer, Municipality that action to remove unauthorised construction has been taken against the respondent no.5 developer and the respondent no.6 at the relevant point of time.
13. In the affidavit in reply filed on behalf of the private respondent no.5 dated 06.09.2022, some very startling relevant facts about the credentials of the petitioners herein have been brought on record. A categorical statement has been made in paragraph no.8 of the said affidavit that the petitioners no.1 to 7, in connivance with the officers of the Nagarpalika, have started an extortion racket in the city of Veraval and the modus operandi is that they first try to extort the person who is putting up any construction by threatening him that if the amount demanded by them is refused, such person will have to face serious consequences. Once the

amount demanded is refused, the entire record since the inception till the development permission is obtained from the office of the Nagarpalika under the Right to Information Act and then, applications are preferred for removal of the constructions on the ground that the same are illegal or unauthorised.

14. The petitioners simultaneously also start making applications to the revenue authorities seeking cancellation of mutation entries on various bogus grounds and, thus, harass builders in every possible manner. Ultimately, if such person/builder does not kneel down to the illegitimate demands raised by the petitioners, the petition in the form of Public Interest Litigation is preferred. The details of the litigations and complaints filed by the answering respondent no.5 against the petitioners no. 1 to 7 are narrated in paragraph no.8 at pages '104' and '105' of the paper book, which are relevant to be extracted hereinunder :-

- (i) FIR filed by the answering deponent against the petitioner no. 7 and others on date 26/07/2019 at Prabhas Patan Police Station, Gir Somnath, for the offences punishable under section 323, 114, 504, 506[2] on the Indian Penal Code, which has culminated into a Charge sheet no. 114 of 2019 dated 09/10/2019. The said FIR and Charge sheet is in connection with the present land in question.
- (ii) Three Complaints filed by the petitioner no. 1 and 7



against the answering deponent under the Real Estate Regulation Act being CMP/GIR SOMNATH/191214/000400, CMP/GIR SOMNATH/191213/000396 and CMP/GIR SOMANTH/19124/000399/in relation to the development projects for the dismissed on land in question/The said complaints are the rejected on the ground that complainants are not aggrieved persons.

- (iii) Caveat filed in a petition being Special Civil Application no. 2077 of 2020 by the petitioner no. 7 in a petition filed against the show cause notice issued by a revenue authority to the deponent herein and others for the land in question. The petitioner no. 7 has no locus in the said litigation.
- (iv) Private complaint being Criminal Inquiry no. 22 of 2021 filed by the present deponent against petitioner no. 7 for the offences punishable under section 499, 500, 501 and 114 of the Indian Penal Code which is pending before the 8th Chief Judicial Magistrate, Veraval.

15. The specific stand of the petitioners is that the present petition is a sponsored litigation at the behest of business rivals in an effort to blackmail the answering respondent no.5. The averments in paragraph '3' of the Writ petition are denied with the specific statement in paragraph no.11 of the affidavit in reply of the



respondent no.5, as under :-

"11. I deny the averments made in paragraph No.3 of the petition which mentions that the present petition is purely in Public Interest. I further submit that the petitioner no.7 is charged with an offence punishable under Section 323, 504, 506[2] and 114 of the Indian Penal Code in a complaint filed by the present respondent no.5, more particularly respondent no.5.1 in which criminal proceedings are going on against the petitioner no.7. I further submit that a private complaint for the offences punishable under Section 499, 500, 501 and 114 of the Indian Penal Code is also filed against petitioner no.1 and petitioner no.7 before the Court of Ld. Judicial Magistrate First Class, Veraval which is pending. I state that the petition is therefore not filed in the nature of Public Interest Litigation and is just a counter blast for the purpose of settling the score with the respondent no.5, more particularly respondent no.5.1. Thus the present petition in a label of Public Interest Litigation is totally far from the truth, based on false statements on oath made before this Hon'ble Court and is completely an eyewash and therefore I pray that the present petition may kindly be dismissed with costs."

16. Further contention in the Writ petition about the construction in question being illegal have been specifically denied in paragraph no. '12' onwards and it is submitted that a revised development permission dated 23.02.2021 was applied for, which has not been acceded to only on the aspect of location of the staircase. A notice dated 25.06.2021 had been received by the answering respondent no.5 which has been satisfactorily answered by way of oral representation made to the competent authority. The answering

respondent no.5 has not received any notice dated 04.10.2021 as stated in the Writ petition and there is no proof of the same on record. The petitioners have received all such notices and other departmental communications from the office of the Municipality under the Right to Information Act. As regards the notice issued by the Mamlatdar in connection with the Final Pot No. 80, the disputed property, it is stated that Special Civil Application No. 20551 of 2019 has been filed by the respondent no.5 wherein while issuing notice, vide order dated 22.11.2019, interim relief staying further proceedings in relation to the said land has been granted.

17. It is further stated in the affidavit of the respondent no.5 that the petitioner no.7 herein has been charged with the offences punishable under Sections 323, 504, 506(2) and 114 of the Indian Penal Code in a complaint filed by the present respondent no.5 (firm), more particularly respondent no. 5.1 (a partner), in which criminal proceedings are going on. Another proceedings in a private complaint filed against the petitioner no.1 and petitioner no.7 filed for the offences punishable under Sections 499, 500, 501 and 114 of the Indian Penal Code is pending before the Court of the Judicial Magistrate.
18. It is, thus, submitted that the present petition is a sheer misuse of the process of the Court at the hands of the petitioners who have criminal antecedents, with an ill intention to target the respondent no.5 when the



illegitimate demands of the petitioners had not been fulfilled. Specific assertion has been made that a charge-sheet no. 114 of 2019 dated 09.10.2019 has been submitted before the Court of competent jurisdiction in a First Information Report dated 26.07.2019 lodged by the answering respondent no.5.1 against the petitioner no.7 and other persons. A specific allegation was made therein that extortion amount with regard to Final Plot no. 80 was demanded from the answering respondent no. 5.1 and when refused, he was beaten by the petitioner no.7, viz. Mr. Rakeshbhai Jadavbhai Paradawa. It is also stated that similar allegations have been made by the petitioners against other persons for their constructions.

19. Having noted the specific averments made in the affidavit dated 06.09.2022 filed by the answering respondent no.5.1, we may look to the affidavit dated 07.08.2023 filed by the petitioner no.7, namely Mr. Rakeshbhai Jadavbhai Paradawa. It may be noted that no parawise reply to the affidavit of respondent no.5 has been filed by any of the petitioners herein. In the affidavit of the petitioner no.7, filed on behalf of the other petitioners, it is stated that the said affidavit be treated as part of the Writ petition and that in view of the order dated 16.06.2022 of this Court, the Chief Officer of the Municipality had visited the constructions in question in order to collect the facts, however, the respondent no.5 had not permitted the officers to enter into the property. Reference has been made to the



affidavit of the respondent no.3. In paragraph no.6, following statement has been made :-

“6. I say that in my petition my main reliefs are against respondent Nos. 1 to 4 and consequential reliefs are prayed against respondent Nos. 7 and 8. I say that in view of above though respondent No. 5, who is a private party, has filed affidavit in reply I have not filed any rejoinder to it. However, I say that i reserve my right to file a rejoinder to the affidavit in reply in the event of necessity. I say that I have not filed rejoinder to the affidavit in reply of respondent No. 5 also on the ground that the scope of this petition is restricted to whether there exist any illegal and unauthorized construction as alleged by the petitioner and admitted by respondent No. 3. I say that the scope of the petition is also whether respondent No. 3 has ensured that such illegal and unauthorized constructions are removed. With a view to seeing that no equity is created in such illegal and unauthorized construction and with a view to preventing multiplicity of proceedings I have joined respondent Nos. 7 and 8 and claimed reliefs against them.”

20. In the additional affidavit dated 15.10.2024 filed on behalf of the respondent no.5 by one of the partners, viz. respondent no.5.1 herein, it is stated that the respondent no.5 had applied for regularization of the alleged unauthorized construction in the margin area where a meter room and a common toilet in one building, viz. Shreeji Heights has been constructed and a staircase on margin area is shifted from middle portion to left side margin area in the building named as Shreeji Arcade. The said application has been filed as per Section 10 of the Gujarat Regularisation of Unauthorised



Development Act, 2022 promulgated on 03.01.2023.

21. Considering the above, suffice it to record that in absence of any denial on the part of the petitioner no.7 about the categorical statement made by the respondent no.5 with regard to criminal antecedents of the petitioner no.7 and that he has been charge-sheeted by a competent court of law on the allegations of extortion in a First Information Report lodged in the year 2019, it is evident that the filing of the present petition at the behest of the petitioners herein is nothing but an abuse of the process of Court. Considering the allegations made by the respondent no.5 in its affidavit that the petitioner no.7 along with other petitioners had been running an extortion racket and indulged in illegitimate activities, this Court is of the view that the petitioners have no *locus standi* to maintain the present petition raising the issue of alleged unauthorized construction made by the respondent no.5 firm.
22. The submission of the learned counsel for the petitioners is that even if the allegations made against the petitioners at the behest of the respondent no.5 are considered, the present petition cannot be rejected, inasmuch as, the *locus standi* of the petitioners to maintain the Writ petition raising the issue of unauthorized constructions by the respondent no.5, cannot be questioned in view of the stand of the respondent no.3, the Chief Officer, Municipality. The cause shown for filing of the present Public interest



litigation remains unaffected for any of the allegations made in the affidavit of the respondent no.5 against the petitioners.

23. Taking note of the above submissions made by the learned counsel for the petitioners, in order to ascertain that the petitioners be permitted to maintain the PIL ignoring the allegations made against him, we are required to discuss the law laid down by the Apex Court pertaining to the scope and maintainability of the Public Interest Litigation. In **Ashok Kumar Pandey vs. State of W.B. [(2004) 3 SCC 349]**, the Apex Court was dealing with the question of *locus standi* of the petitioner therein to present the petition in public interest and that whether the public interest litigation filed under Article 32 of the Constitution was a genuine public interest litigation. While holding that the person acting *bona fide* and having sufficient interest in the proceedings of public interest litigation, will alone have a *locus standi* and can approach the Court to raise any issue of violation of the fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration, the Apex Court has elaborately discussed the legal forum developed as 'public interest litigation'. The expression 'public interest litigation' defined in Strouds Judicial Dictionary and the Black's Law Dictionary was noted in paragraph No. 5 and 6 as under :-



"5. It is necessary to take note of the meaning of expression 'public interest litigation'. In Strouds Judicial Dictionary, Volume 4 (IV Edition), '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 (Sixth Edition), "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 particulars localities, which may be affected by the matters in question. Interest shared by citizens generally in affairs of local, State or national Government."

24. It was noted that in **Janata Dal vs. H.S.Chowdhary [(1992) 4 SCC 305]**, the Apex Court considered the scope of the public interest litigation and it was held :-

"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."

25. The Apex Court has further emphasized therein that the requirement of *locus standi* of a party to a litigation, is



mandatory, because the legal capacity of the party to any litigation where in private or public action in relation to any specific remedy sought for has to be primarily ascertained at the threshold. A word of caution has further been added by stating that in this newly developed doctrine of 'Public Interest Litigation' a note of severe warning and a red-alert is sounded in a chain of notable decisions with all emphasis that the Courts should not allow its process to be abused by a mere busybody or a meddlesome interloper or wayfarer or officious intervened without any interest or concern except for personal gain or private profit or other oblique considerations. It was further held in paragraph No. 109 in **Janata Dal (supra)**, as quoted in paragraph No.10 of **Ashok Kumar Pandey (supra)**, as under :

"10. In subsequent paras of the said judgment, it was observed as follows :

109. It is thus clear that only a person acting bona fide and having sufficient interest in the proceeding of PIL will alone have as 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".

26. Further observations made by the Apex Court in paragraph No. 11, 12 and 13 are relevant to be extracted hereinunder :-



“11. It is depressing to note that on account of such trumped-up 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 publicityseeking 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.”

27. Having said that the Apex Court has emphasized that the 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 veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It was, thus, held that the Court must not allow its process to be abused for oblique consideration and such petitions of such busybodies deserve to be thrown out by rejection at the threshold with exemplary cost.

28. It was further directed that 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; (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.

29. The further observations in paragraph Nos. 15 and 16 of the decision are also relevant to be extracted hereinbelow :-

“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 265] .] Today peoplerush 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 : 1998 SCC (L&S) 1802 : AIR 1999 SC 114] 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 aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.”

30. In the context of the *locus standi* in the field of Public Interest Litigation, the Apex Court has clearly stated that relaxation of the Rule of *locus standi* in the field of Public Interest Litigation does not give any right to busybody or meddlesome interloper to approach the Court under the guise of a public interest litigation. The Court must be careful to see that the member of the public who approaches the Courts is acting *bona fide* and not for personal gain or private profit or other oblique considerations. The court must not allow its process to be abused by anyone for such objectives. The decision in **Jasbhai Motibhai Desai vs. Roshan Kumar [(1976) 1 SCC 671]** was noted in the context of *locus standi* to apply for writ of certiorari, wherein it was held that the petitions of the busybodies should be rejected at the threshold. Para 22 of the decision of the Apex Court in **Ashok Kumar Pandey (supra)** is extracted hereinunder :-

“22. Sarkaria, J. in *Jasbhai Motibhai Desai v.*



Roshan Kumar [(1976) 1 SCC 671] expressed his view that the application of a busybody should be rejected at the threshold in the following terms : (SCC p. 683, para 37) “37. It will be seen that in the context of locus standi to apply for a writ of certiorari, an applicant may ordinarily fall in any of these categories : (i) ‘person aggrieved’; (ii) ‘stranger’; (iii) busybody or meddlesome interloper. Persons in the last category are easily distinguishable from those coming under the first two categories. Such persons interfere in things which do not concern them. They masquerade as crusaders for 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. They indulge in the pastime of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity; while the ulterior intent of some applicants in this category, may be no more than spoking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold.”

31. The caution reiterated by the Apex Court in **Ashok Kumar Pandey (supra)** in entertaining the public interest litigation, as noted in paragraph No.27, is a reminder of the stated law as to how the Court should act in a matter of entertaining the Public Interest Litigation filed by the busybodies or by the petitioners with a real intention of personal gain or for oblique motive:-

“27. In the words of Bhagwati, J. (as he then was) “the courts must be careful in entertaining public interest litigations” or in the words of Sarkaria, J. “the applications of the busybodies should be rejected at the threshold itself” and as Krishna Iyer, J. has pointed out, “the doors of the courts



should not be ajar for such vexatious litigants".

32. We may also take note of the decision of the Apex Court in **Dattaraj Nathuji Thaware vs. State of Maharashtra and Others [(2005) 1 SCC 590]** wherein the writ petitioner was a lawyer, who filed the public interest litigation raising allegations of unauthorised constructions, whereas the petitioner had himself resorted to blackmailing the respondents and was caught red handed accepting blackmailing money. The Apex Court has noted the aspects highlighted in **Ashok Kumar Pandey (supra)** therein.

33. We may further note the Rules made by the High Court of Gujarat regulating the practice and procedure of Public interest litigation. These Rules are known as "the High Court of Gujarat (Practice and Procedure for Public Interest Litigation) Rules, 2010. The definition of Public interest litigation in Rule 2(1) is relevant to be noted hereinunder:-

"2. Definitions - In these Rules, unless the context otherwise requires:

(1) "Public Interest Litigation" without limiting generality of the said expression shall mean a litigation undertaken for the purpose of redressing genuine, substantive or larger public injury or public grievance or for enforcing public duty or for vindicating public interest but shall not include a matter involving individual, personal or private grievances of the petitioner or any one else."

34. Rules 3, 3A and 4 providing the procedure and



convention of Public interest litigation are also relevant to be noted hereinunder :-

“3. A Writ Petition filed in the High Court in the nature of Public Interest Litigation, shall as far as possible be in Proforma - I and shall disclose -

(a) the petitioner's social standing, professional status and his antecedents, particularly with respect to his credentials for maintaining the petition in the nature of Public Interest Litigation.

(b) nature and extent of the personal interest of the petitioner, if any, involved in the cause.

(c) Whether the petitioner has ever faced contempt of Court proceedings and outcome or status of such proceedings, if any.

(d) facts constituting the cause, in chronological order. If the Petition is based on news report, it must be stated whether the petitioner has taken steps to verify the facts personally.

(e) nature of injury caused.

(f) in case the petitioner is an Organization, the petition must be filed through an authorized Office-bearer of the Organization concerned, disclosing additional details of any other Public Interest Litigation previously filed, by such Organization with case number, status of the case and brief statement of its outcome if the case is finally disposed of.

(g) the petition shall contain a declaration that the petition is filed purely in Public



Interest and not at the instance of any person or organization other than the petitioner.

(h) full details of the source from which the costs of the 2 litigation including the lawyer's fees are being borne.

(i) The petition must further contain averments as to how the public interest is involved.

(j) that the cause involved is purely in public intent and that there is no personal gain, private motive or oblique motive behind filing the Public Interest Litigation.

(k) the Constitutional or statutory provision or administrative instruction, which has been violated. The grounds for grant of interim relief and the nature of urgency, if any, involved must also be mentioned alongwith a precise prayer-clause.

3.A The Court may impose exemplary costs or adopt other appropriate methods to ensure curbing of frivolous Petitions, wrongly describing them as Public Interest Petitions filed by busy bodies for extraneous consideration or ulterior motive.

4. A Writ Petition filed in the nature of Public Interest Litigation shall contain a statement/declaration by the petitioner whether to his knowledge, issue raised was previously dealt with or decided by the High Court and whether a similar or identical petition was filed earlier by the petitioner or by any other person to his knowledge, and that he had taken all reasonable care to gather information before making such a statement. In case such an issue was dealt with or a similar or identical petition was filed earlier, its status or the result thereof must be stated."

35. A bare reading of the High Court Rules indicates that the



petitioner's social standing, professional status and his antecedents would be relevant, particularly with respect to his credentials for maintaining a petition in the nature of Public interest litigation. The nature and extent of the personal interest of the petitioners involved in the case will have to be looked into. The cause involved must be purely in public intent and a declaration has to be made that there is no personal gain, private motive or oblique motive behind filing the Writ petition. Frivolous petitions, wrongly described as Public interest litigation filed for extraneous consideration or ulterior motive may be dismissed by imposing exemplary costs or the Court may adopt other appropriate methods to ensure curbing of such frivolous petition.

36. It is mandatory for a Public interest litigant to make a declaration as to the knowledge on the issues raised and any such statement must be made with all reasonable care. In the instant petition, the petitioners (7 in number) have joined to make allegations of alleged illegal constructions raised by the respondent no.5 and private respondent no.6. However, they have not disclosed the source of information brought on record of the Writ petition including the alleged internal communications between the office of the District Magistrate and the Chief Officer, Municipality. The petitioners no.1 to 6 claim to be journalists working in Veraval, but apart from the vague assertion in paragraph '2' of the Writ petition in that regard, nothing has been brought on record as to with whom the said



petitioners are employed or engaged. The occupation, profession and the source of earning of the petitioners have not been disclosed in the Writ petition. The statement made by the petitioners that they have no personal interest in the matter is belied by the fact that the respondent no.5 herein had lodged a First Information Report against the petitioner no.7 who has been charge-sheeted in the year 2019 and the criminal proceedings are pending before the competent court of law.

37. In this scenario, there can be no two opinion that the petitioner no.7 is a blackmailer and other petitioners have joined him to harass the private respondents no. 5 and 6 when they failed to extort money from these businessmen. There is ample evidence which remain undisputed by the petitioners that the present Public interest litigation has been filed with ulterior motives for personal gain by making allegations of illegal constructions against respondents no. 5 and 6. The fact that the petitioners' credentials are not disclosed in the Writ petition and found to be highly doubtful, the submissions of the learned counsel for the petitioners on the question of *locus standi* of the present petitioners to maintain the Writ petition, for making an inquiry into the nature of constructions raised by the respondents no. 5 and 6, are liable to be rejected.
38. The fact that the petitioner no.7 has been charge-sheeted on the allegation of extortion of money from the



respondent no.5 in a criminal case lodged by him in the year 2019, is sufficient to show him the exit doors of the Court, inasmuch as, such an unscrupulous person cannot be permitted to misuse the process of the Court. The other petitioners who have joined petitioner no.7 to achieve common illegal motive, cannot be spared.

39. In view of the above discussion, the present petition filed in the nature of Public interest litigation is liable to be dismissed outrightly with an exemplary costs of Rs.20 Lakhs imposed upon each of the petitioners herein (Rs.20,00,000/- X 7 = Rs.1,40,00,000/-), which shall be deposited by the petitioners individually within a period of two months from today. We order accordingly. In case of non-deposit, proceedings for recovery shall be initiated against each of them.
40. The amount so deposited shall be transmitted to the Gujarat State Legal Services Authority, which shall be spent in the welfare projects for women and children in the State of Gujarat.
41. As an abundant caution, we further provide that any Writ petition filed in the name of any of the seven petitioners herein in the nature of Public interest litigation pertaining to District Gir-Somnath or any other districts in the State, shall be placed before the Registrar (Judicial) for scrutiny and no such petition shall be entertained by the registry at the instance of the present petitioners, in future. The Registrar (Judicial) is, thus, directed to make an inquiry as to whether any



other Writ petition in the nature of the Public interest litigation filed by any of the petitioners herein (individually or jointly) is pending and, if so, the same shall be listed before this Hon'ble Court at the earliest along with a specific report of the Registrar (Judicial).

42. With the above directions, the present petition is dismissed with costs stated above. All Civil Applications are accordingly, disposed of.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 29 of 2022**

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CHETANGIRI KAILASHGIRI APARNATHI & ORS.

Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR RIDDHESH TRIVEDI(6581) for the Applicant(s) No. 1,2,3,4,5,6,7
MS. HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for the
Opponent(s) No. 1,2,7,8
MR DEEPAK P SANCHELA(2696) for the Opponent(s) No. 3
MR. ANSHIN DESAI, SENIOR ADVOCATE
MR. ZALAK B PIPALIA(6161) for the Opponent(s) No. 5.1,5.2,5.3,5.4,5.5,5.6
NOTICE SERVED for the Opponent(s) No. 4,6

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE D.N. RAY**

Date : 11/07/2025

**ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)**

The writ petition (PIL) is dismissed with exemplary cost of Rs. 20,00,000/- which is to be paid by each of the petitioners and the amount will go to the Gujarat State Legal Services Authority which shall be utilized for the benefit of orphan children.

Reasons to follow.

(SUNITA AGARWAL, CJ)

(D.N. RAY, J)

VARSHA DESAI