

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C)(PIL)No.16 of 2021

Sri Haripada Das

.....Petitioner

-V-E-R-S-U-S-

The State of Tripura and Others.

.....Respondents

For Petitioner(s)	:	Ms. R. Purkayastha, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. S. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE ARINDAM LODH
_O_R_D_E_R_

04/01/2023

Heard Ms. R. Purkayastha, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for issuance of the writ of mandamus and/or in the nature thereof, directing the respondents to take immediate and prompt action/necessary steps to ensure the safety, security and protection of the residents of the State of Tripura by proper implementation and execution of law and order within the State of Tripura and by upholding the Rule of law.

The fact of the case is that on 08.09.2021, in the afternoon in a pre-planned fashion scores of offices of the CPI(M) State Head Quarter were attacked by mobs of the ruling party, as a part of ruling party's protest rally turned violent and launched series of attacks at Melarmath, Agartala, targeting CPI(M) party offices and newspaper offices. While, several vehicles, including two office cars of the CPI(M) and motorbikes parked in front of CPM party offices were burnt to ashes. The ground floor and first floor of the Head Quarter of the CPI(M) office at Melarmath had been ransacked. The Daily

Deshaer Katha office, Pratibadi Kalam office, PB-24 offices all located at Melarmath had been attacked and vandalized as well as ransacked.

Important documents have been destroyed and burnt to ashes, several staffs of these offices had been badly injured and one reporter Sri Prasanjit Saha also had been severely injured by the attack. The CITU office situated at Office Lane, Agartala had been vandalized and set on fire. The worst part of these attacks is that these relentless violence and attacks were carried out in front of the policemen and TSR personnel who were found to be mere helpless and silent spectators. The CPM party office at Bishalgarh, Udaipur, Kathalia had been burnt to ashes and the offices had been vandalized by the supporters and workers of the ruling party destroying their important materials, documents and valued articles. One news channel "Duranta TV's office at Udaipur had been attacked and destroyed by the supporters and workers of the ruling party in the presence of the police personnel.

As many as 43 party offices of the left front party had been demolished, burnt to ashes, ransacked and looted as many as 67 numbers of houses and shops of the common man and mere supporters of the various opposition parties had been ransacked and set on fire. 24 persons had been hospitalized and one had died. On 07.09.2021 one advocate Sri Dulal Debnath, Salgarah, Udaipur had been attacked and his wife has been set on fire. But till date police has not taken any action in spite of several FIRs being lodged. Realizing the gravity of this issue and finding it the appropriate resort and remedy, the petitioner is filing this Public Interest Litigation before this Court for fair ends of justice.

In view of above and after interacting the learned counsel appearing for the parties and in view of the judgment of the Hon'ble Apex Court in State Of Uttaranchal vs. Balwant Singh Chaufal & Ors., reported in 2010 (1) SCALE 492, wherein, it has been held that the Public Interest Litigation, which has been in existence in our country for more than four decades, has a glorious record. This Court and the High Courts by their judicial creativity and craftsmanship have passed a number of directions in the larger

public interest in consonance with the inherent spirits of the Constitution. The conditions of marginalized and vulnerable section of society have significantly improved on account of courts directions in the P.I.L and issue the following directions ad infra:

“(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 P.I.L.

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

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

(6) The court 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 court 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.”

Already in pursuance of the crime, FIRs have been registered, investigation is in progress and the aggrieved persons are having effective remedies under the law. It is also seen from the record that various complaints have been filed by the political parties and in such view of the same, the petitioners taking up the matter as Public Interest Litigation which is not in public interest.

In view of the above, this Court prima facie feels that this instant PIL is devoid of any merits and it cannot be treated as PIL. Accordingly, the

present petition stands dismissed. It is made clear that for wasting the time of the Court, the petitioner is directed not to venture into such recourse in future and while dismissing the present PIL, a cost of Rs.25,000/- [Rupees Twenty Five thousand only] is imposed upon the petitioner which is to be deposited in the account of the Tripura High Court Employees Association. A copy of this order be supplied to the Secretary, High Court Employees Association.

JUDGE

CHIEF JUSTICE (ACTING)

A. Ghash

HIGH COURT OF TRIPURA



सत्यमेव जयते