

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (WA) No. 11 of 2023

In WA No. 17 of 2023.

Date of order: 12.06.2023

Kamaraj JK

vs

The Union of India & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Applicant/Appellant : In person

For the Respondents : Dr N. Mozika, DSGI with
Ms A. Pradhan, Adv.
Mr S. Jindal, Adv. [For R 2-6]

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

In view of the good grounds shown, the delay of about 23 days in preferring the appeal is condoned and the appeal is taken up for immediate consideration.

2. The appeal arises out of an order of March 13, 2023 by which WP(C) No. 41 of 2022, instituted by the appellant under Article 226 of the Constitution of India, has been closed and disposed of. The writ petition was instituted with the following principal prayer:

“In the premises aforesaid, it is therefore prayed that Your Lordship would graciously be pleased to admit this Mandamus Writ petition, issued interim directions to the Respondents in the admission stage, to prevent the violation of Financial Standing order 2014 and to escalate the Motor Accident Claims, to the Appropriate Officer having Financial limits in Respondent Company Software GC Core, without further delay, and after hearing the parties on cause(s) shown, make the Rule absolute, if any, passed and”

3. It is evident from a plain reading of the prayer that no particular right of the writ petitioner was sought to be canvassed and the primary aim of the writ petitioner was to point out what the writ petitioner perceived to be a malaise in the system.

4. In the order impugned, the relief sought in the petition has been quoted and an affidavit filed on behalf of the respondent Nos. 2 to 6 has been referred to. In such affidavit, it has been disclosed that by reason of a Financial Standing Order (FSO) published in the year 2022, the financial powers and limits defined therein have been incorporated into the respondent insurance company's software for escalating and settling the motor insurance claims.

5. The writ court noticed the writ petitioner's objections as to the competence of the affidavit filed on behalf of the respondent Nos. 2 to 6, but the court chose to overlook such objection on the ground that subsequent rules had overtaken the matters referred to by the writ

petitioner. In any event, it is elementary that when a person invokes the extraordinary jurisdiction under Article 226 of the Constitution, it has to be for the assertion of a right, unless the matter is filed in public interest; in which case the petitioner is treated merely as an informant and the court proceeds to decide as whether the matter is worthy of its consideration.

6. The writ petition in this case was filed by the appellant herein in his individual capacity and not by way of a public interest litigation. It appears that there are some departmental proceedings that have been initiated against the writ petitioner and the writ petitioner perceives that the dismissal of the writ petition may prejudice the writ petitioner.

7. Apart from the fact that on a vague allegation as in this case, without any specific injury being shown by a person, the Court would be extremely reluctant to allow its extraordinary writ jurisdiction to be invoked, it goes without saying that if the matters complained of are of any relevance in the proceedings instituted against the writ petitioner, the writ petitioner will be permitted to urge such grounds without prejudice to the order impugned herein dated March 13, 2023 and the disposal of the present appeal.

8. Accordingly, WA No. 17 of 2023 is disposed of without going into the merits of the grievances canvassed in the writ petition, just as the Single Bench did not enter into the merits of the matter.
9. MC (WA) No. 11 of 2023 is disposed of.
10. There will be no order as to costs.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
12.06.2023
"Sylvana PS"

