

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1214 of 2023

Petitioner :- Rajesh Kumar Upadhyay

Respondent :- State Of U.P. Thru. Prin. Secy. Panchayati Raj, U.P. Lucknow And 4 Others

Counsel for Petitioner :- Anil Kumar Mishra

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Jaspreet Singh,J.

1. Heard learned counsel for the petitioner.
2. The writ petition filed in public interest does not disclose the credentials of the present petitioner to be a public spirited person. That apart, the source of obtaining the documents placed on record is unclear. The original copies of the documents are also not available with the petitioner nor there is any attempt made on his part for getting the same verified.
3. Litigation in public interest has a lofty object in the pursuit of a public grievance and for the protection of the people who are vulnerable and do not have sufficient means or lack knowledge for raising their grievance.
4. Even if there is a complaint of misappropriation or misuse of public funds, the cause in the present case is espoused even on behalf of those who are the members of the Gram Panchayat. An elected Gram Panchayat member has an authority to take up

the cause in the open meetings of the Gram Panchayat or before a competent forum. Some of the affidavits placed on record which are stated to have been filed by three of the Gram Panchayat Members, namely, (i) Shri Gauri Shankar, S/o Shri Bajrangi Tiwari, (ii) Shri Mahendra, S/o Shri Kanhai and (iii) Smt. Shanti, W/o Raghuveer, who are residents of Village-Bibipur Tiwari (Udharanpur), Development Block-Karaundikalan, Tehsil-Kadipur, District-Sultanpur indicate that the proceedings of the Gram Panchayats in various resolutions were signed fictitiously on their behalf.

5. The members despite knowing fully well that the resolution of the Gram Panchayats have proceeded without they having signed the proceedings, have not lodged any F.I.R. in this regard. These affidavits on the contrary have been used by the petitioner along with the complaint made by him before the District Magistrate, Sultanpur. The writ petition does not disclose as to how these affidavits came into the possession of the petitioner and there is no explanation in this regard.

6. Unless the credibility and the definite source of material placed on record is traceable, the submission based thereon that too relating to a cause in public interest cannot be appreciated. Any exercise undertaken by this Court is at the cost of judicial time which is a public property. The petitions filed in public interest are time and again found to be very casual, both on the

aspect of the credentials of persons approaching the Court as well as the material relied upon in support of their contention. A serious exercise lacks in the case at hand like many other instances coming to the notice of this Court. We deprecate such a practice.

7. The writ petition is not supported by an appropriate affidavit indicating the clear source of information as regards the documents placed reliance upon. Thus, we cannot entertain the present P.I.L. and the same is hereby **rejected**. We would have proceeded to impose cost but looking to the fact that today being the last working day in 2023, the cost is made easy.

Order Date :- 22.12.2023

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