

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS CIVIL APPELLATE JURISDICTION**

PIL WRIT PETITION NO.24 OF 2004

Janhit Manch & Ors. ... Petitioners
V/s.
Union of India & Anr. ... Respondents

Mr. Bhagvanji Raiyani, Petitioner No.2 in person present.

Mr. Y. R. Mishra for Respondent No.1.

Mr. P. P. Kakade, GP a/w Mr. O. A. Chandurkar, Addl. GP and Ms.
R. A. Salunkhe, Addl. GP for Respondent No.1.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

RESERVED ON : 12TH JANUARY 2024

PRONOUNCED ON : 29TH JANUARY 2024

P.C.: (PER ARIF S. DOCTOR, J.)

The present Petition, stated to be filed in the public interest, pertains to the expenditure on advertisements issued by the State and Union Government.

2. The primary contention of Mr. Raiyani, Petitioner No.2, who appears in person on behalf of the Petitioners, is that

such advertisements come at a huge cost to the public exchequer and *inter alia* provide "*false and misleading information to the readers*¹" and the main purpose behind such advertisements is not to furnish authentic information to the public, but it is "*always for self publicity and promotion for the next election*²". It is thus that the Petitioners have sought following reliefs viz. :-

- "(a) *That the Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate Writ, Order or Direction in nature of Writ of Certiorari calling for the records, proceedings and the decision in the matter of the said ad, campaign undertaken by both the Respondents under the names of Shining India and Agresar/Leading Maharashtra respectively since December 2003 and spending estimated Rs.100 crores and Rs.25 crore respectively through their ministries, PSUs and corporations for enhancing the concerned ruling parties' poll prospects in the forthcoming election.*
- (b) *That pending the hearing and final disposal of the petition :*
 - (i) *The Respondents by themselves, their servants and agents be ordered and directed forthwith to stop from publishing any advertisements in any form in the print or electronic media or in the form of billboards, banners, hoardings, posters and handbills with or without individual photographs claiming achievements, in different sectors and areas of operation.*

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- (ii) *The other states of the Indian Union also be ordered and directed forthwith through the 1st Respondent, by themselves, their servants and agents to stop from publishing any advertisements in any form in the print or electronic media or in the form of billboards, banners, hoardings, posters and handbills with or without individual photographs claiming achievements, in different sectors and areas of operation.*
- (c) *The Respondents and also all states through the 1st Respondent be ordered and directed by the Hon'ble Court to set up independent and autonomous competent authorities for receiving the periodical reports of the performance from the various ministries, their departments, corporations and PSUs and after proper verifications for the authenticity, releasing the same to the print and electronic media as an obligation to the general public which have the right to information enshrined under Art. 19 of the constitution and supported by several judicial orders.*
- c-1 *The Respondent by themselves, their ministries, PSUs, departments, contractors, servants and agents be restrained and ordered permanently and directed forthwith to stop from publishing any advertisements in any form in the print or electronic media or in the form of billboards, banners, hoardings, posters and handbills with or without individual photographs claiming achievements, in different sectors and areas of operation for inauguration of the project, greeting for special occasions or for special days, save and except for medical or relief campaigns or for statutory notifications or such most essential requirements without the names and photographs of the ministers.*

C-2 The Hon'ble Court direct that the persons or elected representatives be unseated and disqualified for such election for further period of 6 years if found misusing public fund for such self promoting ads and make them liable for refund of such fund to the govt. treasury.

- (d) Pass such other and further orders as this Hon'ble Court may deem proper and necessary in the public interest.*
- (e) For expeditious hearing of this petition.*
- (f) For cost to the Petitioners.*
- (g) For such further and other reliefs as the nature and circumstances may provide."*

3. Mr. Raiyani proceeded to read out the entire Writ Petition threadbare. When asked by the Court to make legal submissions to justify the grant of the reliefs sought for, Mr. Raiyani was unable to state any specific grounds of challenge and submitted that the same were contained in the Petition. He then after reading out the entire Petition tendered a copy of Written Submissions which also he proceeded to read out.

4. Mr. Mishra, Learned Counsel appearing on behalf of the Respondent No. 1 - Union of India first submitted that the

Petition was entirely untenable. He submitted that the advertisements issued were pursuant to the policy decisions of the Government to which there was not even a hint of a challenge in the present Petition. He then pointed out that the amounts spent on advertisements were negligible and were well within budgetary allocation for the same. He thus submitted that the Petition was required to be dismissed on these grounds alone. Mr. Mishra invited our attention to the Affidavit in Reply filed by Respondent No.1 and pointed out that each and every contention of the Petitioners had been dealt with and negated therein.

5. We have heard Mr. Raiyani and Mr. Mishra, learned Counsel appearing on behalf of the Respondent No. 1 - Union of India. We have for ourselves perused the averments made in the Petition and find that the Petition is thoroughly misconceived and devoid of any merit and requires to be dismissed for the following reasons, viz.

A. At the outset, we must note that the only grounds of challenge contained in the Petition read as follows :-

"18. *The Petitioners have made out their case on the following grounds :-*

- (i) The politiciations and more particularly the ruling parties have no business to advertise their untested claims of achievements the cost of state exchequer.*
- (ii) Even if they have made spectacular achievements, it was their duty towards the state or the nation.*
- (iii) If the political parties want to blow of their so called achievements or the opposite parties' failures, they should spend from their own accounts for that matter as they have no right to spend people's money.*
- (iv) The Hon'ble Court must address the issue at stake very seriously and urgently to stop to this type of illegal and unqualified spending of government fund for their own purpose having ensuing election in mind."*

Aside from the above, we must note that there are no grounds of challenge raised in the Petition. We must also note that the above "grounds" would in no manner even remotely qualify as being legal ground of challenge, much less sustainable grounds of challenge. The same read purely as the *ipse dixit* of the Petitioners. We fail to understand how a Petition like the present one can be maintained either in the Public Interest or even otherwise. There is absolutely no legal basis whatsoever set out

by the Petitioner to support the reliefs which have been prayed for. In this context, it is apposite to note the judgement of the Hon'ble Supreme Court in the case of ***S.P. Anand, Indore Vs. H.D. Deve Gowda & Others***³ in which the Hon'ble Supreme Court held as follows, viz.

"18. *Before we part, we cannot help mentioning that on issues of constitutional law, litigants who can lay no claim to have expert knowledge in that field should refrain from filing petitions, which if we may say so, are often drafted in a casual and cavalier fashion giving an extempore appearance not having had even a second look. This is the impression that one gets on reading the present petition. It is of utmost importance that those who invoke this Court's jurisdiction seeking a waiver of the locus standi rule must exercise restraint in moving the Court by not plunging in areas wherein they are not well-versed. Such a litigant must not succumb to spasmodic sentiments and behave like a knight-errant roaming at will in pursuit of issues providing publicity. He must remember that as a person seeking to espouse a public cause, he owes it to the public as well as to the court that he does not rush to court without undertaking a research, even if he is qualified or competent to raise the issue. Besides, it must be remembered that a good cause can be lost if petitions are filed on half-baked information without proper research or by persons who are not qualified and competent to raise such issues as the rejection of such a petition may affect third party rights.'* (emphasis supplied)

We find that the above observations apply on all fours to the Petitioners' conduct in the present case.

³ (1996) 6 SCC 734

B. *Additionally*, we find that though the Petitioners have made serious allegations in the Petition that the advertisements issued by the State and Union Government *inter alia* contain “*false and misleading information*”, the Petitioners have not pointed out a single advertisement which according to them is false. We do not for a minute suggest that the veracity or otherwise of an advertisement issued by the State/Union is to be determined on the Petitioners mere *ipse dixit* however, when making such a serious allegation, it was incumbent upon the Petitioners to establish by giving details as to on what basis such an allegation has been made by the Petitioner. In the present case, we regret to note that not even an attempt to this effect has been made by the Petitioners.

6. Before parting, we must note that this Court had by an order dated 19th July, 2023 passed Public Interest Litigation (L) No.41119 of 2022⁴ filed by Petitioner No. 2 held as follows :-

"12. *We place on record our disapproval of the numerous poorly drafted and haphazardly presented petitions persistently filed by this Petitioner, subjecting the*

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Court to a monologue, thereby consuming valuable judicial time and resources. It is essential to exercise prudence and diligence in preparing and presenting petitions before the Court, ensuring that they are well-founded and supported by adequate research and compelling arguments, avoiding using intemperate language. It is crucial to maintain respect and professionalism in all legal pleadings, regardless of the nature of the case or the parties involved. The PIL Petitioner must try to understand the relevant legal principles, administrative and constitutional law, and the scope of writ jurisdiction, and if they cannot do so, seek legal assistance. That is so because the judicial system operates with limited time and resources, and frivolous or poorly presented PILs burden the Court and hinder the resolution of other genuine and urgent cases.”

We find the same to be entirely apposite to the facts of the present case as well.

7. The Petition is thus dismissed for the aforesaid reasons.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)