

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION ST. NO.5282 OF 2015

Ketan K. Tirodkar

... Petitioner

Vs.

State of Maharashtra & anr.

... Respondents

Petitioner in person - absent

Mr.A.B. Vagyani, Government Pleader, for Respondent State

Mr.Vijay Kantharia with Purnima Awasthi for Resp. No.2

**CORAM: MRS.VASANTI A. NAIK &
MRS.MRIDULA BHATKAR, J.**

DATE: 12th MARCH, 2015

PC.:

In the first session at 11am, at the time of mentioning of matters by several advocates, the petitioner was present in the Court and when a lawyer said that he had filed an intervention application, in the matter at Item No.935, i.e., the present petition, the petitioner informed the Court that the respondents may object to the hearing of the matter by this Bench, as the name of one of us (Mrs.Vasanti Naik, J.) is mentioned in the petition. The petitioner stated that he had no objection if this Bench hears the matter. The learned Counsel for the respondents stated that they had no objection and the matter could be heard by this Bench. The petitioner then expressed that he would work out the matter, as the respondents had

no objection. The petitioner was aware that the matter would be heard, when called. However, the petitioner is not present when the petition is called for admission.

We have perused the Writ Petition in detail and have heard the learned Counsel for the respondents.

It is the case of the petitioner that when the honourable Prime Minister visited the High Court on the Valentine's Day on 14.2.2015 and then shared the dinner in National Sports Club of India at Worli, in a function that was organised by a Lawyers' body, the security agencies told the employees to finish the work early on the previous day so that the premises could be handed over to the security agencies before the end of the working hours. It is averred in the petition that the regular work of the Court cannot be scuttled for the sake of sharing a bite with the hon'ble Prime Minister and the hon'ble Chief Ministers. It is averred in the petition that on 14.2.2015, the hon'ble Judges of this Court were ordered to abandon their official vehicles and buses were arranged for them. It is averred that the hon'ble Judges could not have been asked to abandon their official vehicles. It is also averred in the petition that the hon'ble Judges were required to leave the High Court premises in the buses

arranged to reach them to the National Sports Club of India on empty stomach. On the basis of the aforesaid averments, the petitioner has sought a direction to the Union Home Ministry to amend the Rules for the security of the VVIPs in such a manner that the hon'ble Judges of the High Court are not required to abandon their official vehicles and the official staff during the visit of any VVIP. A prayer is made for a direction to the Respondent No.2, Union Home Ministry, to amend the Rules of VVIP security. Also, a general direction is sought to the Respondent No.1, State of Maharashtra to work out new norms for security, so that the decorum and the dignity of the High Court Judges could be maintained.

We are afraid that almost every factual statement – averment made in the Writ Petition is incorrect and baseless. The hon'ble Prime Minister did not share the dinner in the National Sports Club of India at Worli and, therefore, there was no occasion to scuttle the regular work or to abandon the cars for the sake of sharing a bite with the hon'ble Prime Minister. We do not find that the employees were directed to abandon their work and leave the Court on the 13.2.2015 before the working hours as the Courts continued to work normally during the working hours and some of the Courts including the Bench in Court Room No.40, even worked beyond the working hours, after 5 pm on 13.2.2015. It is also incorrect that the

hon'ble Judges of this Court were ordered to abandon the official vehicles for the function that was organised at the National Sports Club of India. The hon'ble Judges, who are nearly 35 in number at the principal seat, decided to travel by a bus so as to avoid inconvenience not only to the Judges, who were more than 30 in numbers, but also to the traffic on the roads between the High Court building and the National Sports Club of India. We fail to understand as to how a decision of the hon'ble Judges to travel in a bus would be a matter which could fall within the public domain. We do not find that the dignity of the hon'ble Judges or the Institution is in any way lowered if the Judges decide to travel for the sake of convenience of the Judges as well as the traffic, in a bus for attending a programme.

The averment made in the petition that the Judges were required to leave in the buses on empty stomach is equally untrue and baseless. Though it would not be necessary for us to give any explanation on the said averment, it would be worth mentioning that light refreshments were made available for the hon'ble Judges in the High Court premises before they left in the bus for attending the function organised at the National Sports Club of India. Almost every fact averred in the petition is false and baseless. The prayers made by the petitioner on the basis of such

allegations are not required to be considered. In fact, an occasion to consider the prayers on the basis of the averments recorded hereinabove, would not arise at all.

It is stated in the affidavit of the petitioner in support of the petition that the petitioner is committed to face the penalty, if imposed by this Court in the event of the contentions being incorrect or false. We reiterate that almost all the averments made in the purported public interest litigation are far from being true.

We find that the petitioner has abused the process of the Court by filing the instant petition. In the circumstances, we dismiss the petition with costs of Rs.25,000/-.

(MRIDULA BHATKAR, J.)

(VASANTI A. NAIK, J.)