

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION No.47 of 2015

DATE: 31.03.2015

Between:

Mohammed Haji,

Hyderabad.

... Petitioner

And

The State of Telangana,

Rep. by its Chief Secretary,

Secretariat, Hyderabad.

... Respondent

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION No.47 of 2015

Order: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

In terms of our order dated 30.03.2015, original record containing the Cabinet decision is produced before us. We have gone through each and every page of file.

We do not find any single word of 'Vaastu' used in such decision. It appears that the administrative decision was taken by the Cabinet to shift the Secretariat from the present place to a new place after due deliberation and consultation with the Officers of all levels.

It is common knowledge and it also appears from the A.P Reorganization Act, 2014 that old Secretariat is serving both the State Governments i.e., State of Telangana and State of Andhra Pradesh because Hyderabad is the capital of both the States. One day or the other, one of the States has to shift its own Secretariat. From the file, we find that State of Telangana has taken a decision to shift its Secretariat as early as possible identifying a suitable new place for administrative convenience. It is absolutely policy decision of the Executive Government and no Court of law can interfere unless it is shown with legally acceptable material, such a decision is patently absurd, irrational and unconstitutional. It is very sad to note that the writ petitioner has approached this Court without having any material, basing on unverified media news that the decision of shifting the Secretariat to the new place has been taken adhering to Vastu Shastra.

We do not find that the petitioner before approaching this Court has made any attempt to verify correctness of news item in the media on this issue. The petitioner seems to have believed this news is correct. The petitioner before approaching this Court, should have verified correctness of this news item by collecting information about the reasons for decision of shifting to say the least under Right to Information Act.

According to us, this Writ Petition is a misdirected instrument to abuse the judicial process. This Writ Petition is absolutely meritless, frivolous and intended only to create sensationalism. Any Court always discourages this sort of misadventure. However, we feel that the time has come to curb firmly this sort of misadventure of a section of member of the public of coming to this Court in the name of public interest at the drop of the hat.

We therefore dismiss the Writ Petition with costs assessed at Rs.1,000/- (Rupees One thousand only) to be paid to the High Court Legal Services Committee, within a period of fortnight.

The original file produced before us is returned to the learned Advocate General.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 31.03.2015

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