

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.54 OF 2016

Shri. Manik Bhimrao Jadhav,
Age : 61 years, Occ. Agri.,
r/o. Kamgar Bhavan, Hate Nagar,
Dist. Latur

..Petitioner

versus

- 1] The Union of India,
Ministry of Finance,
Department of Economic Affairs,
Through its Secretary,
Room No.39-B, North Block,
Central Secretariat,
New Delhi 110 001
- 2] The Secretary,
Ministry of Home Affairs,
Department of Home,
North Block, Central Secretariat,
New Delhi 110 001
- 3] The Director,
Central Bureau of Investigation,
Plot No.5-B, CGO Complex,
Lodhi Road,
New Delhi 110 003
- 4] The Director,
Enforcement Directorate,
6th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi 110 003
- 5] The Chief Editor,
The Indian Express (P) Ltd.
Express Towers, Second Floor,

Nariman Point,
Mumbai 400 032

6] The Director General,
Directorate of Revenue
Intelligence, 7th Floor,
D Block, I.P. Bhawan,
I.P. Estate, New Delhi

..Respondents

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Ms.Pradnya S. Talekar, advocate i/b. Mr.S.B.
Talekar, advocate for petitioners

Mr.S.B.Deshpande, A.S.G. AGP for respondent no.1 –
Union of India

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : APRIL 12, 2016**

PER COURT :

Heard the learned advocate appearing for the
petitioner and learned Assistant Solicitor General
for respondent no.1 – Union of India.

2] We have considered the submissions of the
learned advocate appearing for the petitioner and
carefully perused the pleadings in the petition
and in particular, the knowledge of the petitioner

about the facts which have been pleaded in the petition. The petitioner has stated in the petition that, he has gathered the information from the Internet and newspaper.

3] The learned advocate for the petitioner, relying upon the judgment of the Hon'ble Supreme Court in the case of **Ram Jethmalani and ors. Vs. Union of India, 2011(8) SCC 1**, submits that, even the said petition was filed on the basis of the media reports.

4] Keeping in view the exposition of law laid down by the Hon'ble Supreme Court in the case of **S.P. Anand, Indore Vs. H.D. Deve Gowda and ors., (1996)6 SCC 734** and in particular, paragraph 18 thereof, the petitioner should have a genuine source of information before filing the Public Interest Litigation and he must be well conversant with the facts pleaded in the petition.

5] Upon perusal of the facts and the incidents narrated in the petition, in our opinion, those are in respect of the developments, which have taken place recently and immediately, the present Public Interest Litigation has been filed by the petitioner. The petitioner does not seem to have authenticated source of knowledge of the said developments.

6] As rightly contended by the learned Assistant Solicitor General appearing for respondent no.1 – Union of India, the Central Government has taken immediate steps to address the issues raised in the petition. Therefore, entertaining this petition as a Public Interest Litigation, at this stage, may amount to encroaching upon the sphere reserved by the Constitution for the Executive.

7] The Hon'ble Supreme Court in the case of ***Dattaraj Nathuji Thaware Vs. State of Maharashtra and ors., (2005)1 SCC 590*** has held that while

entertaining a Public Interest Litigation, the Court has to be extremely careful and see that it does not encroach upon the sphere reserved by the Constitution for the executive and the legislature. Considering the steps taken by the Central Government, in our view, it would be too early to entertain such type of petition, which would have the effect of interfering into the action initiated by the Central Government at the threshold.

8] For the reasons afore-stated, we do not think that this is an appropriate stage to consider the issues raised in this petition.

9] In the light of the above discussion, the present Public Interest Litigation stands disposed of.

10] The amount of Rs.25,000/- (Rs.Twenty Five Thousand) deposited by the petitioner be refunded to the petitioner.

11] The parties to act on authenticated copies of this order.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

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