

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

P.I.L. No.31 of 2016

(Imranulla Khan Shafaatulla Khan .vs. Shakil Ahmad Khan Peer Khan and Ors.)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr.S.D.Chande, Adv. for the petitioner.
Mr.F.T.Mirza, Adv. for respondent no.1.

CORAM : B.R.GAVAI &
 V.M.DESHPANDE, JJ.

DATE : 1st September, 2016.

Heard.

Initially, a Writ Petition was filed by the present petitioner. However, it appears that the Division Bench vide order dt.21.8.2015 observed that the relief prayed for by the petitioner could not be granted in the present petition and adjourned the matter so as to enable the petitioner to take steps to seek registration of the Writ Petition as a Public Interest Litigation.

Perusal of the earlier affidavit filed by the present petitioner would reveal that he has made a categorical statement that he has no personal gain, private motive or oblige reason in filing the present Writ Petition. However, another affidavit was filed on 21.9.2015 pointing out therein various petitions pending between the petitioner and respondent no.1.

It is, thus, clear that an averment is made in the

affidavit dt.21.9.2015 to the effect that the petitioner has no personal gain, private motive or oblige reason to his knowledge. It is stated in the subsequent affidavit that the said affidavit is filed in the format. The averments are not mere formalities. Every statement made on oath has to be true and correct to the knowledge of the person affirming the same.

Though the petitioner was very much aware that number of litigations that are pending between the petitioner and the respondent, he has knowingly made a false statement before this Court on an affidavit that there is no personal gain, private motive or oblige reason in filing the instant petition.

The present Public Interest Litigation is, therefore, dismissed with costs which are quantified at **Rs.10,000/-**.

The amount of costs be deposited in the Chief Minister's Draught Relief Fund and the receipt thereof be placed on the record of the present P.I.L. within ten days. If the receipt is not placed on the record within ten days, Office shall initiate suo motu proceedings against the petitioner under the provisions of the Contempt of Court Act.

JUDGE

JUDGE

**jaiswal*

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : Jaiswal, P.S.

Uploaded on : 2.9.2016.