

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.4129 OF 2016

DATED: 11.02.2016

Between:

Karanam Sravan Kumar

... Petitioner

and

The High Court of Judicature at Hyderabad

... Respondent

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V.BHATT**

WRIT PETITION No.4129 of 2016

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PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the petitioner.

Learned counsel for the petitioner could not and did not argue any valid and justiciable ground for challenging the Public Interest Litigation Rules. He simply invited our attention to some Clauses in Rule 5 and submitted that such information cannot be called for or sought, which is in the nature of curbing the right to file PIL in larger interest. We do not agree with the submission. The objective of seeking such information, is only to test bona *fides* of the person filing PIL and to encourage genuine PIL. These Rules are framed and such Clauses are incorporated in the Rule only to regulate public interest litigation and to avoid frivolous, motivated and personal interest litigation. In this connection, it would be relevant to notice the directions issued by the Supreme Court in **State of Uttaranchal v. Balwant Singh**

Chaufal and others^[1], which read thus:

“We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

- (1) The Courts must encourage genuine and bona fide PIL and effectively discourage

and curb the PIL filed for extraneous considerations.

- (2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.
- (3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.
- (4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.
- (5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.
- (6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.
- (7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.
- (8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.

Hence, the Writ Petition is dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

11th FEBRUARY, 2016.

S.V. BHATT, J

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[\[1\]](#) (2010) 3 Supreme Court Cases 402