THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT. JUSTICE T. RAJANI

WRIT PETITION No.15333 of 2017

ORDER: ***(Per VRS,J)***

This is perhaps the 106th case filed by the petitioner against the private respondents, seeking a Writ of Mandamus to declare the action of the respondents 1 to 5 in failing to conduct a proper investigation, pursuant to the raids conducted by the 3rd respondent.

2. Heard Mr. M. Janardan Rao, learned counsel for the petitioner, the Assistant Solicitor General appearing for the 1st respondent, Mr. J.V. Prasad, learned senior standing counsel for the Income Tax Department, appearing for the 2nd respondent, Mr. P.S.P. Suresh Kumar, learned counsel, appearing for the 3rd respondent, and Mr. P. Vishnuvardan Reddy, learned counsel, appearing for the unofficial respondents.

3. This is at least the second round of litigation that the very Bench has come across from the very same petitioner against the very same respondents. In W.P.Nos.11301, 13295, 13138 and 13159 of 2016, disposed of on 19.07.2016 by a Bench of this Court to which one of us (*VRS, J*) was a party, this Court had observed that the petitioner had virtually declared a war on the contesting respondents before different forums. It appears that scores and scores of writ petitions were filed seeking a direction against the Income Tax

Department, Enforcement Directorate, Central Bureau of Investigation, local police and various other Authorities. The petitioner appears to have withdrawn some of those writ petitions after advancing arguments. Despite noting this, this Court took a lenient view and merely closed W.P.No.11301 of 2016 and batch, lastly on 19.07.2016, after making certain observations. In order to avoid the repetition of the facts, paragraphs 3 to 8 of the order, dated 19.07.2016, may be usefully extracted as follows:

> *"It appears that the petitioner in these writ petitions, became the subscriber to a chit floated by Kapil Chit Funds Private Limited, which is the contesting respondent in one of the writ petitions. The other companies which are engaged in different types of business but which form part of the same group are cited as the 4th respondent in the other writ petitions. Kapil Chit Funds Private Limited has been cited as the 5th respondent in the last of the writ petitions.*
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> *After notices were ordered in these writ petitions, the Principal Director of Income Tax (Investigation) has come up with a counter affidavit both on his own behalf and on behalf of the respondents 1 and 3. In para 2 of the counter affidavit, he has stated as follows:*
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> *"2. In reply to the averments made in the writ affidavit in so far as they relate to these respondents, it is submitted that the complaint filed by the petitioner is in the form of Tax Evasion Petition which is being dealt with as per the procedure for dealing with such petitions by the Department. The Tax Evasion Petition filed by the petitioner was received from the Central Board of Direct Taxes (CBDT) in the month of May 2016 and the same is under the process of confidential investigation which cannot be divulged at any point of time to the petitioner during its progress. It is therefore respectfully submitted that the petition filed by the petitioner is under active consideration and investigation and will be followed to its logical conclusion and hence the petitioner is not justified in having any apprehension regarding the same."*
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> *In the light of what is stated in the counter affidavit which we have extracted above, it may not be necessary to consider the rival contentions. However, the learned counsel for the contesting respondents submitted that after becoming a member of the chit group and also after entering into an agreement for the purchase of plot, the writ petitioner has started haunting and harassing all the companies which form part of the same group by filing innumerable cases. Two*

volumes of orders passed by various courts in a number of writ petitions, writ appeals, criminal complaints, criminal miscellaneous petitions etc., are presented before us for our perusal. Therefore, the learned counsel for the private respondent contended that these petitions should not be entertained and that at the instance of such a person, no mandamus of the nature sought for can be granted.

The grievance of the contesting respondents may be justified at least partly if not wholly. It appears that the writ petitioner has virtually declared a war on the contesting private respondent, in different forums. But, unfortunately, for the contesting respondents, the Principal Director of Income Tax (Investigation) has come up with the counter affidavit, indicating that some investigation is in progress. According to Mr. J.V. Prasad, learned Senior Standing Counsel, this investigation need not necessarily be at the instance of the writ petitioner.

Even an enemy, could provide the trigger point for an investigation. If a mandamus is sought from a Court, the Court would certainly reject a prayer of this nature made by a person, who camouflages a private cause under the garb of a public cause. But once the official respondents have taken cognizance and initiated some action, the same cannot be prevented even if we condemn the action of the writ petitioners. Therefore, we do not wish to get into the details of the litigation as between the petitioner and the contesting respondents.

In view of the statement made on oath by the Principal Director of Income Tax (Investigation), no orders are necessary in these writ petitions. We make it clear that there is no obligation on the part of the official respondents, merely to act on the basis of a person who wants to settle scores with somebody. The writ petitions are accordingly closed. The miscellaneous petitions, if any, pending in these writ petitions shall stand closed. No costs."

4. After this Court closed the last of the series of writ petitions on 19.07.2016, there appears to have been an income tax raid on 07.04.2017 and 08.04.2017 in the premises of the 6th respondent Company. Upon seeing news items in the print and electronic media that a few crores had been recovered during the raids, the petitioner got motivated once again, commenced war against the respondents, and has come up with the present writ petition. But, as we have

pointed out earlier, the writ Court is not intended for people to settle private scores. The war launched by the petitioner has gone unabated from the year 2011 for the past six years. Every Court has taken a lenient view, even while dismissing the writ petitions of the petitioner, which has perhaps emboldened him to again and again make an attempt through this Court to settle a private dispute that he has. Therefore, we are of the considered view that it is high time that the abuse of process of Court is put an end to by imposing costs. Hence, the Writ Petition is dismissed. The petitioner shall pay costs of Rs.50,000/- (Rupees Fifty thousand only) to the High Court Legal Services Committee, within a period of eight (8) weeks from today.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

T. RAJANI, J.

11th September, 2017
cbs

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN √

AND

THE HON'BLE SMT. JUSTICE T. RAJANI

Writ Petition No.15333 of 2017
(dismissed)

11th September, 2017

cbs

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AND

*THE HON'BLE SMT. JUSTICE T. RAJANI

+W.P.No.15333 of 2017

% 11-09-2017

Gurajala Venkateswara Rao .. Petitioner

Vs.

$ Union of India, rep. by its Secretary,
Department of Revenue, Central Secretariat
Buildings, New Delhi, and others .. Respondents

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>HEAD NOTE:

! Counsel for petitioner : Mr. M. Janardan Rao

^ Counsel for 1st respondent : Mr. K. Lakshman, Assistant Solicitor General.

^ Counsel for 2nd respondent : Mr. J.V.Prasad

^ Counsel for 3rd respondent : Mr. P.S.P. Suresh Kumar

^ Counsel for R.6 to R.26 : Mr. P. Vishnuvardan Reddy

? CASES REFERRED : ---