

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-20134 of 2016

Date of Decision:- 22.02.2017

Mahesh Chander Saxena

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MRS. JUSTICE SNEH PRASHAR

Present:- Mr. V.S.Rana, Advocate, for the petitioner.

S.S.Saron, J.

The petition has been filed under Articles 226/227 of the Constitution of India for issuing a writ in the nature of mandamus directing the official respondents in terms of suggestions given in para No.19 (sic.). A perusal of para No.19 shows various suggestions with regard to installation of water harvesting for recycling of water have been given.

The petitioner is stated to be a public spirited person. It is stated that he is an employee of the Delhi Jal Board and works as a Pump Operator but he has knowledge about Water Harvesting System. The Registry of this Court on the petition that has been filed raised objections in terms of the Maintainability of the Public Interest Litigation Rules 2010 ('Rules' - for short), stating as to: (1) whether the present Public Interest Litigation ('PIL' – for short) fell under the Rules; (2) how the PIL was maintainable in terms of Rule 6 of the Rules; (3) the petition be filed according to the directions passed by a Division Bench of this Court in the case Ajaib Singh and

another Vs. The State of Punjab and others, CWP No.15987 of 2013, decided on 26.07.2013¹ which is available on High Court Website; (4) the petitioner was required to disclose his credentials and his direct or indirect personal motive or interest involved in the case, if any, by way of an affidavit; (5) he was also required to submit registration certificate of the Society with the petition; (6) his proof of income; (7) whether he had approached the concerned authorities with a representation for redressal of his grievances and (8) proof regarding objections No. (4) to (7) as mentioned with documentary proof was required to be attached with proper reply.

Learned counsel for the petitioner in reply to the same submitted that objections No.(1) to (3) had already been covered in the petition. Objection No.(4) had been complied with, objection No.(5) did not apply as petitioner is not a society but an individual, objection No.(6) had been complied with, objection No.(7) had already been covered in petition and objection No.8 had been complied with. He further recorded that the petition be put up as it is. It was further objected by the Registry that document regarding proof of income of the petitioner was not legible and a legible copy be filed. In response it is stated that Annexures P-2 and P-3 were most legible copies available and the petition be put up as it was.

We have heard the learned counsel for the petitioner and perused the record that has been filed.

The petitioner, in order to show his credentials filed two affidavits dated 17.08.2016 and 08.09.2016. In the first affidavit it is simply stated that the averments in the petition are true and correct to his knowledge and belief and the annexures along with the petition are true translated/typed copies of the respective

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¹ (2013-4) PLR 367

originals. In the second affidavit it is stated that the petitioner has no direct or substantial personal interest in the matter, however, he was interested in saving water that is one of the most important natural resource which is essential for every human being. It is stated that he intends to save water through water harvesting which can easily be done in the societies, malls, hospitals, fly-overs and other buildings. The petitioner is stated to be working for the welfare of the society as such he has approached this Court.

A Division bench of this Court in Ajaib Singh's case (supra) has held that the Rules which lay down the guidelines for entertaining public interest petitions were to be complied with. It was observed that the nature of the grievance set out in the said case did not fall within the defined Clauses of Rule 6 where a PIL may ordinarily be entertained. The other aspect that was emphasized in the said case was that the petitioner ought to specifically disclose his credentials and his direct or indirect personal motive or interest involved in the case, if any, by way of an affidavit. The expression, "specifically disclose his credentials", it was said must, naturally, imply that he had to set forth what he did for his living, what public interest he had been espousing, the work done by him in that behalf, the particulars of any matter preferred, by him as PIL earlier on which the Court had passed orders etc. It could not imply merely writing a sentence that a person is residing in the State, is public-spirited and is, thus, filing a PIL. The Registry was directed to ensure strict compliance with the Rules and to return petitions styled as PIL with objection(s) unless the said parameters were specified. In fact, there was a mandate on the Registry as per Rule 7 of the Rules to verify the antecedents of the

persons, Societies or Associations who invoked the jurisdiction on the cause of public interest and if, they were not satisfied with the antecedents, to return the petition. These aspects were emphasized because it was found that the Court was inundated with PILs which truly were not PILs in the sense the concept was envisaged. They were either personal angst, someone reading a newspaper and annexing a copy of the newspaper making it a cause, making general allegations without any research about the subject or persons who had really no experience or exposure about the subject matter sought to be raised. These were in fact purely publicity interest litigation rather than PILs wasting judicial time.

The petitioner in the present case has not disclosed his credentials satisfactorily except that he is pursuing a public cause. It is stated that he is an employee of Delhi Jal Board and works as a Pump Operator. A salary certificate/pay slip for the month 31.8.2016 in respect of his income has been attached. The said salary certificate/pay slip for the month 31.8.2016 is purported to be issued by the Executive Engineer (Electrical & Mechanical) Water and Sewerage-South-III (Govt. of NCT of Delhi). The said certificate is not signed by anybody and it is issued by the Government of NCT, Delhi while in the petition, which have been verified, the petitioner states that he is an employee of Delhi Jal Board. The said certificate/pay slip for the month 31.8.2016 does not show as to how it is relatable to Delhi Jal Board.

The petitioner is also said to have made a representation dated 20.05.2012 which is addressed to the C.E.O, Mr. M.D.Khattar, IL&FS Rapid Metro, DLF Phase III, Gurugram in which he depicts himself as General Secretary of Jal Jivan Udyan Samiti. The

petitioner, therefore, is a member of the said Samiti. Therefore, he is evidently pursuing some cause under the colour of the said Samiti. However, in reply to objection No.(5) raised by the Registry of the Court, it is stated that the same does not apply here as he is not a Society but an individual. He does not mention in the said representation that he is a Pump Operator with the Delhi Jal Board; besides, nothing has been shown in support of his contention as to what public cause he has been espousing and the work done by him in that behalf.

Therefore, it is a case where the petition has been filed by merely stating that the petitioner is a public spirited person and thus filing the PIL. In the circumstances it is held that the petitioner, on the basis of material and facts placed on the record, has no locus standi to file the petition.

Accordingly, the writ petition is dismissed.

(S.S.SARON)
JUDGE

(SNEH PRASHAR)
JUDGE

February 22, 2017
mohan

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No