

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CONT No. 214 of 2018

- Mani Shankar Pandey S/o Ramkhilawan Pandey Aged About 48 Years R/o Maharana Pratap Nagar, Tiphra, P.S. Sirgitti, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Smt. Rita Sandiya Secretary of Cooperative Department Indravati Bhawan Mantralaya Naya Raipur, District Raipur, Chhattisgarh
2. J.P. Pathak Registrar Cooperative Society Indravati Bhawan Mantralaya Naya Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Akath Kumar Yadav, Advocate.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

02.04.2018

1. The Petitioner says that he is a social worker and is, therefore, interested in enforcement of the directions contained in the order on WP (PIL) No.41 of 2014 and WP (PIL) No.48 of 2016. He was not a Petitioner in either of those writ petitions.
2. In response to our query in view of the aforesaid, the learned counsel for the Petitioner argued that the order on the basis of which this contempt petition is instituted was rendered on a Public Interest Litigation and hence, even the Petitioner, who is a public spirited person, is entitled to institute an application alleging contempt of this direction. We are not inclined to accept that submission, for the reasons that we state hereinafter.

3. An Application for issuance of a writ under Article 226 of the Constitution of India, when entertained as a Public Interest Litigation, does not *ipso facto* get characterized as a representative litigation on principles settled as applicable under Order 1 Rule 8 of the Code of Civil Procedure. It also does not become a representative action, by or against any particular group of people. Such judgments rendered in Public Interest Litigations cannot be treated as judgments in *rem*, in the absence of any enabling statute law, though guiding beacons are always carved out from the judgments rendered by in such matters.
4. One of the foundations of Public Interest Litigation is to ensure that in exceptional cases where public interest needs to be protected and ensured through the writ courts, such situations should not get crippled merely because of lack of ability to access justice. This, in our view, as an indefeasible corollary, takes within its ambit the need to ensure that Public Interest Litigations are also protected from multifarious scouting through different proceedings, including by invoking the writ jurisdiction under Article 226 of the Constitution of India. This principle, ought to apply even to application alleging contempt of Court.
5. In the aforesaid view of the matter, we do not see any element of *locus standi*, for the Petitioner in this contempt of Court case, on the basis of the common order in WP (PIL) No.41 of 2014 and WP (PIL) No.48 of 2016 on the allegation that the time bound direction issued therein has not been complied with.
6. This application, hence fails. It is accordingly dismissed in limine.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge