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HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 2 of 2018

1. V. N. Prasad Rao S/o Late V. N. Rao, Aged About 54 Years R/o Block No. 46 G, Street No. Avenue - 8, Sector 7, Police Station Kotwali, Bhilai Nagar, District Durg Chhattisgarh
2. Goldy M. George, S/o M. G. Babykutty, Aged About 45 Years R/o H. No. 1762, Motilal Nagar, Kota, Police Station Saraswati Nagar, Raipur Chhattisgarh

---- Petitioners

Versus

1. Union Of India Ministry Of Minority Affairs Through Secretary, 11th Floor, Pandit Deendayal Antyodaya Bhawan, C G O Complex, Lodhi Road, New Delhi - 110003
2. State Of Chhattisgarh Through Principal Secretary, Department Of Home, Mahanadi Bhawan, Naya Raipur P. S. Rakhi District Raipur Chhattisgarh.,
3. Collector, District : Kanker, Chhattisgarh
4. Collector, District : Kondagaon, Chhattisgarh
5. Collector, District : Sukuma, Chhattisgarh
6. Director General Of Police, Naya Raipur, District : Raipur, Chhattisgarh
7. Superintendent Of Police District : Kanker, Chhattisgarh
8. Superintendent Of Police District : Kondagaon, Chhattisgarh
9. Superintendent Of Police District : Sukuma, Chhattisgarh
10. Collector, District : Bastar(Jagdalpur), Chhattisgarh
11. Superintendent Of Police, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Petitioner : Shri Sushobhit Singh, Advocate

For Respondent/State : Shri UNS Deo, Government Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

03.04.2018

1) This Writ Petition is instituted arraying the Union of India, the State of Chhattisgarh and different Police authorities and Revenue authorities including the Collectors of different districts in the State of Chhattisgarh as well as the Superintendents of Police. Directions are sought for by the petitioner in such manner as would indicate that the petitioner desires that this Court should get into the process of formulating guidelines or appoint committees to formulate guidelines on the premise that there is religious persecution in the State of Chhattisgarh and that there is no established modality of adequate protection or protocol to respond to allegations of religious persecutions. The attempt is to say that different complaints before the Police authorities have not generated any action from them.

2) Hearing this matter at the stage of admission, it was noticed that none of those persons whose complaints are said to have been ignored are petitioners in this matter. The Bench was, therefore, not impressed to take cognizance of this matter as a Public Interest Litigation, particularly when it was not shown as to whether any action was taken by those, whose complaints are said to have been ignored. Therefore, on 17.01.2018, the following order was minuted:

"We are not impressed to take cognizance of this matter as a Public Interest Litigation, particularly when the materials, as of now, do not show that any action has been taken by those whose complaints are said to have been ignored. We also see that the complaints as contemplated by law are not shown to have been made in many of the instances which are pointed out. We, however, deem it appropriate

that the learned Additional Advocate General obtains instructions from the Station House Officer concerned as to whether the documents Annexures- P/5, P/7 and P/8 were received and if so, what action had followed."

3) The learned Additional Advocate General has placed a memo of submissions dated 22.02.2018. A chart is appended to it as Annexure D/1. It discloses various complaints and actions which are stated to have been taken thereon. The most unfortunate disclosure by the State Government through the said chart is that the person who has instituted this Writ Petition appears to be blissfully ignorant of the fact that different Writ Petitions were filed by different complaints and they are pending consideration before this Court as per roster.

4) Scouting of jurisdictions and initiating parallel action before different Benches even in one High Court is a critically abusive affront to due process of judicial function. If the petitioners did not make due and adequate enquiry before instituting what they call as a Public Interest Litigation, it discloses callous indifference in the matter of placing such materials for judicial consideration, particularly, with the sweetened caption of a 'Public Interest Litigation'. In spite of repeated reminders by the Apex Court, such publicity oriented matters; without any credentials of cross checked facts; are pushed on to the judicial table. The State has promptly responded by placing a chart detailing the different complaints and the actions thereon. The State has also pointed out different Writ Petitions which are pending before this Court.

5) With the aforesaid, we are of the view that this is an instance of clear abuse of the process of this Court which requires to be dealt with in

the manner it deserves. Deepest sense of judicial discipline and institutional reclusiveness persuade us to dissuade from imposing any order of exemplary costs, which ought to have been imposed on the petitioner.

6) None appears for the petitioners today. None appeared for the petitioners even on the previous date of posting. This Writ Petition does not merit any further consideration. It is accordingly dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge

padma