

* HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V. BHATT

+ WRIT PETITION (PIL) No. 328 of 2018
And
WRIT PETITION NO.36416 OF 2017

% 20-11-2018

B. Janaka Sankar S/o. B.Tirupathaiah,
R/o Door No. 5-102, Ankireddy Pale Village,
Kolimugundla Mandal, Kurnool District.

...petitioner

Vs.

\$ The Central Pollution Control Board of India,
Represented by its Authorized Officer,
Ministry of Environment, Parivesh Bhavan,
East Arjun Nagar, New Delhi-110032 and others..

... Respondents

! Counsel for the petitioner: Sri G. Vijaya Kumar

Counsel for Respondents: Mr.Gurram Ramachandra Rao, learned
Standing counsel for Respondent Nos. 2,
4 and 6

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> Head Note:

? Cases referred:

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AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION (PIL) No. 328 of 2018

And

WRIT PETITION No.36416 OF 2017

COMMON ORDER: (Per The Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

Writ Petition (PIL) No. 328 of 2018 came up for admission on 13.11.2018. It was then pointed out that W.P. No. 36416 of 2017 was instituted earlier by the same petitioner, essentially for the same relief. We, therefore, passed an order on 13.11.2018 in W.P. (PIL) No. 328 of 2018, noticing that, under such circumstances, that matter cannot be further considered unless the petitioner produces a Fixed Deposit Receipt for Rs.1,00,000/- drawn on a nationalized bank or other statutory bank in his name with lien marked to the Registrar General of this Court within a period of one week.

2. Today, when W.P. (PIL) No. 328 of 2018 is taken up along with W.P. No. 36416 of 2017, the learned counsel appearing for the petitioner in W.P. (PIL) No. 328 of 2018 submitted that though he has communicated the contents of the order dated 13.11.2018 to the petitioner, he has not further

responded. The learned counsel appearing for the same petitioner in W.P. No. 36416 of 2017 is also present.

3. Public Interest Litigation is a device, which is honoured, revered and invoked under circumstances which warrants interference of superior Courts in writ jurisdiction in larger public interest. With passage of time, experience shows that public interest litigations, which came to be called P.I.Ls., have been reduced, in many situations, to be publicity interest litigations, paisa interest litigations or prejudice interest litigations etc. During the course of submissions, it has come out that the petitioner appears to be a disgruntled former employee of respondent No.10 - establishment. We think that the case in hand, could be one among these abhorable breeds; may be, one where the petitioner is seeking publicity or trying to have paisa out of the game, or to settle scores founded on prejudice. Entertaining such matters will be only at the peril of the larger public interest, which has to be secured by us in this jurisdiction.

4. The learned Standing Counsel for the Andhra Pradesh Pollution Control Board, submits that after W.P. No. 36416 of 2017 was instituted, it had carried out one more inspection in the premises of the establishment, against which, allegations are made. It has a report, which shows that no circumstances existed to proceed against that establishment. Even after W.P. (PIL) No. 328 of 2018 was instituted, the Pollution Control Board has again conducted inspection of the same

establishment only because that public interest litigation was instituted, notwithstanding the required vigil, the Pollution Control Board would be maintaining on all aspects in the regular course. We have before us the report of the Pollution Control Board Officers in that regard. The detailed consideration of the report shows that there was absolutely no foundation for the petitioner to have instituted these Writ Petitions.

5. We are of the firm view that the petitioner does not deserve to be left without facing the due peril for instituting these Writ Petitions. Therefore, we are of the view that this is an abundantly fit case where we would pass an order imposing costs of Rupees One Lakh on the petitioner, to be paid to the Andhra Pradesh Pollution Control Board. We, however, dissuade ourselves from doing so for the reason that, we are told by the learned counsel for the petitioner, in response to our query, that the petitioner is an agriculturist. Agriculture is to be carried on lands; not in Courts. Agriculture is a sublime activity. It is a productive activity and not a destructive component of the community and the society at large. With this, we leave the petitioner to use this opportunity to correct himself and work as a good citizen of this Nation.

6. In the result, both W.P. (PIL) No. 328 of 2018 and W.P. No. 36416 of 2017 are dismissed, without imposing an order for payment of costs.

As a sequel thereto, miscellaneous applications, if any, pending in the Writ Petitions shall also stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

20th November, 2018.

**Note: LR copy be marked.
(By order)
Pnb**

