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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8221/2018**

SHARDISH KUMAR GARG

..... Petitioner

Through: **Mr. Mohammad Shamikh, Adv.**

versus

LT GOVERNOR & ORS

..... Respondents

Through: **Mr. Ramesh Singh, Standing Counsel
with Ms. Monisha Handa, Adv**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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17.08.2018

The present petition has been filed by the petitioner with the following prayers:

“In view of the above facts and circumstances and in the interest of justice, it is most respectfully prayed that this Hon’ble Court may graciously be pleased to:

(a) to issue appropriate writ, order or direction in the nature of mandamus and issuance of any other appropriate writ, order or direction to the respondents to take action against the Respondent No.2 to change / remove the word “Aam Aadmi” from “Aam Aadmi Mohalla Clinic” and “Aam Aadmi Poly Clinics”

(b) any other or further writ, order or direction which this Hon’ble Court deem fit and proper in the facts and circumstances of the present case may kindly be also passed in favour of the petitioner”

It is the case of the petitioner that he has been raising his voice in the

interest of public by filing various applications under the RTI Act, 2005 seeking information as to how, the Govt. of NCT of Delhi has allowed the use of the words "*Aam Aadmi*" in their dream project of "*Mohalla Clinics and Poly Clinics*". He has made a reference to the RTI application submitted to the Chief Secretary of the Government of NCT of Delhi on April 3, 2017, where he has asked five questions regarding "*Aam Aadmi Mohalla Clinics*", "*Aam Aadmi Bye-pass Bus service*" and "*Aam Aadmi Canteen Scheme*" seeking information as to who has given the power to the Delhi Government to use the word "*Aam Aadmi*" in the schemes. The said application was transferred to the Public Information Officer, Delhi State Election Commission and as the replies filed against the questions were not clear, the petitioner accordingly filed a first appeal with the First Appellate Authority on September 29, 2017, where again he could not get a satisfactory reply. It is the case of the petitioner that he filed various applications under the RTI Act with various authorities of the Govt. of NCT of Delhi and the Election Commission of India whereby all the authorities replied that the said information is not available with them / the information sought does not come under the definition of Section 2(H) of the RTI Act. Even on the appeal filed with the Secretary, Election Commission of India on May 3, 2018, no information was given. It is the case of the petitioner that because of the usage of words "*Aam Aadmi*", the Govt. of NCT of Delhi of "*Aam Aadmi Party*" is taking undue advantage by using the said words in the government schemes for development by showing to the voters of Delhi that these schemes are not the schemes of Delhi Government, but of Aam Aadmi Party. It is also contended that the Government had earlier issued certain schemes with the same nomenclature, but had renamed the same as

“Mukhiya Mantri Healthcard” “Express Bus Service” and as such seeks parity with those schemes.

We have heard the counsel for the petitioner. On a specific query to the learned counsel for the petitioner whether there is any bar in any statute or under the provisions of the Constitution for representing the schemes floated by the respondents in the manner it has been done in these two cases, the answer was in the negative.

If that be so, for maintaining a Public Interest Litigation, it must be shown to the court that Government or its instrumentalities have failed to discharge their public duty or they have violated the provisions of law or constitutional mandate in discharge of such duty. Having noted the submission of the learned counsel for the petitioner that there is no such violation, this court cannot enter into the arena over which the Government has the exclusive domain to name a particular scheme in the manner it would like to. In this regard, we refer to a judgment of this court in the case of *Ved Pal v. Govt. of NCT of Delhi, W.P.(C) 7982/2015* decided on September 17, 2015 wherein the petitioner therein contended that the metro station named as Arjan Garh is in fact built on a land, which is situated in Aya Nagar and the station caters mostly the residents of Aya Nagar. Through a writ petition in the nature of Public Interest Litigation, he sought to change the name of the metro railway station from Arjan Garh to Aya Nagar. It was represented on behalf of the respondent therein that the request of the petitioner was placed before a committee which did not accede to the claim of the petitioner. This court by referring to the minutes of the committee dated August 5, 2015 held that there is no public interest involved in the writ petition. Further it was held that the naming or re-

naming of a metro station is an administrative act and it is not for the court to substitute the decision of the administrative authority with its decision merely because it appears to be a better decision.

In view of the above, the present petition which has been filed as a Public Interest Litigation per se is not maintainable and also the decision of the respondent to re-name the schemes in the manner in which they have done is beyond the scope of judicial review.

We do not find any merit in the petition, the petition is dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

AUGUST 17, 2018/jg