

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Public Interest Litigation No. _____ of 2019

Sanjaykumar Gajanan Patil

Versus

State of Maharashtra and others.

[Registered as Writ Petition No.5738 of 2019]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Petitioner in person.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Date : 13th August, 2019

1. Shri Sanjaykumar Gajanan Patil, Advocate, appearing in person, vehemently claimed the circulation of one urgent matter in respect of conduct of public function, said to have been organized by Matrubhumi Pratishthan, Nagpur, the respondent No.11 in this petition, at Sakkardara, Nagpur. He insisted that the said function is to be held at 7.30 in the morning tomorrow (14-8-2019) and hence immediate circulation be granted. We, therefore, granted him immediate circulation, keeping in view the so-called urgency pressed before us, and asked him to tender the copies of the petition along with the annexures across the Bench so that the matter can be immediately heard. He, however, expressed that he will have to collect the copies and then file in the office to get the circulation. We asked him to hand over his office copy so that we can hear the matter and pass appropriate urgent orders, if any, sought.

2. The petitioner has tendered the office copy of the petition. It be registered as 'Writ Petition'.

3. We have gone through the copy of the petition, styled as 'Public Interest Litigation' Petition, which claims the reliefs to - (i) direct the respondent Nos.3 to 10, the authorities of the State Government and the Nagpur Municipal Corporation, to restrain the respondent No.11- Matrubhumi Pratishthan, Nagpur, from conducting the programme on 14-8-2019 at about 7.30 a.m. at Sakkardara, and (ii) direct the respondent Nos.5 and 10 to lodge the FIR against the respondent No.11 and the Executives of the Matrubhumi Pratishthan, Nagpur, as they have committed the contempt of the Constitution of India and dishonoured the Indian map, the flag, and the National Anthem.

4. We asked the petitioner to argue the matter. He expressed his inability to argue the matter on merits, but sought time to engage the counsel, which we refused, as the petitioner himself is an Advocate and has filed the petition in person and mentioned the matter before this Court for grant of immediate circulation.

5. The petitioner has placed before us one pamphlet containing the map, which is printed on it, and according to him, the map is of colonial British India before Independence, depicting the photograph of Deity/Goddess, carrying the Indian flag. According to the petitioner, this is violating the fundamental rights contained under Articles 14, 19 and 21 of the Constitution of India and the respondent No.11 is exercising the powers in organizing the programme on the basis of such pamphlet, which is insulting the Constitution, the Indian map, and the National Anthem.

6. We have doubt about the authenticity of the pamphlet and also the map imprinted therein. Obviously, there is nothing to show that it is the map of India and there is nothing in the pamphlet claiming that the map imprinted is of India. The petitioner has failed to demonstrate before us as to how and in what manner his fundamental rights contained under Articles 14, 19 and 21 of the Constitution are violated. There is no basis for the relief claimed in prayer clause (i) of the petition.

7. So far as the relief in terms of prayer clause (ii) is concerned, if, according to the petitioner, certain offences are likely to be committed by conducting such function, it is open for him to lodge a police complaint or to take appropriate steps, as are available in law.

8. We find that the petition is nothing but an abuse of process of Court, which has wasted the valuable time of this Court. At any rate, it cannot be intended as 'Public Interest Litigation', but it seems to be 'Personal Interest Litigation'. Hence, we direct the petitioner to pay the costs of Rs.5,000/- [Rupees Five Thousand] to the High Court Legal Services Sub-Committee, Nagpur, within a period of one week from today; failing which, the steps shall be taken by the respondent No.4- Collector, Nagpur, to recover this amount from the petitioner as the arrears of land revenue.

9. The writ petition is dismissed.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)

LANJEWAR, PS/
RCURNULE, PA