

\$~79

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

Date of decision: 10th December, 2019

+ W.P.(C) 12997/2019

CORRUPTION AGAINST SOCIETY (REGD.)..... Petitioner
Through Mr. Arun Kaushal, Adv.

Versus

UNION OF INDIA AND ORS. Respondents
Through Mr. Anil Soni, CGSC with Mr. Devesh Dubey, Adv. for respondent no. 1
Mr. Sanjoy Ghose, ASC with Ms. Urvi Mohan and Mr. Naman Jain, Adv. for GNCTD
Mr. Sidhant Kumar, Adv. for respondent no. 3
Mr. Neeraj and Mr. Sahai Garg, Adv. for respondent no. 4

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
% **10.12.2019**

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This Public Interest Litigation (PIL) has been preferred with the following prayers:

“a) Issue a writ in the nature of mandamus directing thereby respondent no. 1 to 3 to ensure that no post alliance between the political parties be happened after holding an election as happened after the post

election of Karnataka and Maharastra be happened in Delhi after the post election which is going to be conduct in Delhi in the year 2020 till such declaration are not made by the said political party in advance before participation in the election process; and

b) Issue a writ in the nature of mandamus directing thereby the respondents no.1 to 3 to frame guidelines, policy that in case if none of the political party who contest election, are failed to form government independently and in such circumstances the political parties who contested election against each others, if go head to join their hand for formation of government, what would be their agenda, and the said agenda be submitted before the respondent no.3 before participating in the election process; and

c) pass any other writ or further order(s) and direction(s) or relief which this Honhle Court may deem fit and proper in the facts and circumstances as mentioned herein above in favour of the Petitioner and against the Respondents.”

2. Having heard counsel for both the sides and looking to the facts and circumstances of the case, we see no reason to entertain this writ petition. This is not a “Public Interest Litigation” at all; instead this is a “**Publicity Interest Litigation**”.

3. The learned counsel appearing for the petitioner submits that as a

precautionary measure, this writ petition has been preferred, so that after elections of the Legislative Members in Delhi no post poll alliance of the political parties, who fought election against each other, may take place. So far as Public Interest Litigation is concerned, we are here to decide the rights and duties of the public at large. We are not concerned with the pre poll or post poll alliance of political parties.

4. It is further submitted by the counsel appearing for the petitioner that in the States of Maharashtra and Haryana, post poll alliances have taken place between such political parties, who fought against each other in the election, and if such type of post poll alliance would take place at Delhi, the same would be against their commitments to the voters. Such type of arguments cannot be accepted by this Court.

5. There are no elections as on today in Delhi. Elections had taken place much earlier at Delhi. Neither the petitioner can presume as to what will happen after election in Delhi nor this Court can accept the presumption of the petitioner.

6. No relief can be granted to any petitioner on the presumptions and surmises. This writ petition is purely a misuse of the judicial process.

7. Hence, this writ petition is hereby dismissed with cost of ₹25,000/-, which is to be deposited by the petitioner with the Member Secretary, Delhi Legal Services Authority, Patiala House Courts Complex, New Delhi. The said amount shall be utilised for the programme “Access to Justice”. The aforesaid amount shall be deposited by the petitioner within a period of four weeks from today. Copy of this order be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi-110001 for information. If the aforesaid amount is not deposited within the aforesaid period, Member Secretary shall bring to the

notice of this Court in writing.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 10, 2019

r.bararia

