

\$~16

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

Date of Decision: 20.08.2019

+ W.P.(C) 3871/2017

TEJPAL KHARB

..... Petitioner

Through: None

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Ruchir Mishra, Mr. Mukesh Kr. Tiwari & Mr. Ramneek Mishra, Advs. for R-1 & R-2

Mr. Anup Singh Yadav, Accountant on behalf of the Deptt.

Respondent No.3 in person

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. When the matter is called out, nobody appears for the petitioner.
2. We have heard the counsel for the respondents No.1 and 2 as well as respondent No.3 in person. The prayer in this so-called public interest litigation reads as under:

“a) Issue a writ/direction of mandamus against the Respondent No. 1 & 2 to take appropriate legal action against the Respondent no. 3 and other errant officials of the respondent No. 2, who are protecting these nefarious activities;

- b) Direct the Respondent No. 1 for enquiry against the serious irregularities, illegalities committed in the Respondent No. 2 from independent investigating agency such as CBI;*
- c) Restrain the Respondent No. 3 from attending or participating in day to day activities of Respondent No. 2 and taking any decisions on behalf of the Respondent no.2.*
- d) Or pass any other or further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the respondents, in the interest of justice.”*

3. Looking at the facts and circumstances of the present case, it appears that this is not a public interest litigation at all. In fact, this is a private interest litigation. Several allegations have been levelled against respondent No.3, who is the Deputy General Manager of Delhi Milk Scheme, by this petitioner. The petitioner has prayed to initiate action against respondent No.3 and investigation by agencies like CBI etc. The petitioner has sought direction upon respondents No.1 and 2 to take legal action against respondent No.3.

4. We find no reason to entertain this writ petition mainly for the reason that this is a private interest litigation. There are several allegations levelled by this petitioner against respondent No.3 for which investigation is sought from the hands of CBI and legal action by respondents No.1 and 2 to be initiated, which is not permissible in a public interest litigation at all. If the respondents No.1 and 2 want to take any action they are otherwise permitted to initiate action against respondent No.3 in accordance with law, rules, regulations and Government policy applicable to the facts of the present case. We see no reason to give any directions to the CBI for investigating their case. As and when such type of actions are initiated by respondents No.1 and 2, respondent No.3 is permitted to resist such type of actions in

accordance with law. The allegations levelled against respondent No.3 cannot be decided without any cogent, convincing reasons and evidences available on record. Hence, we find no reason to entertain this writ petition which is not a public interest litigation.

5. With the aforesaid observation, this writ petition stands disposed of.

CM APPL. 17078/2017 (*Stay*)

6. In view of the order passed in W.P.(C) 3871/2019, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 20, 2019
ns