

WPA(P) 358 of 2021

Tathagata Datta

Vs.

Union of India and Others

(Through Video Conference)

Mr. Tathagata Datta

... petitioner-in-person

Mr. Billwadal Bhattacharyya, Id. Asst. Solicitor
General of India

Mr. Sanajit Kumar Ghosh, Advocate

... for the Union of India

By this public interest petition the petitioner who is claiming to be a public spirited person is seeking a direction upon the respondent Nos. 1 and 2 to explain through a proper reasoned order as to why large public interest is not involved in connection with the inspection of public properties.

The plea raised in the petition is that the inspection is conducted by the General Manager, Eastern Railway but on the application filed under RTI the report of inspection is not supplied.

Learned Counsel for the petitioner referring to the reply given by the Deputy Secretary (P) for General Manager dated 07.12.2021 has submitted that the respondents are not justifying in denying the copy of the

inspection report on the ground that the same is meant for internal circulation and no large public interest is involved in disclosure.

Having heard the learned Counsel for the parties and on perusal of the record, it is noticed that the petitioner is mainly aggrieved with the rejection of application under the RTI Act for supply of inspection report. The record does not reflect that after initial rejection any appeal under the RTI Act was preferred by those applicants questioning the rejection order.

Once the RTI Act provides for the complete channel for redressal of grievance against the rejection order in the form of appeal etc., then the petitioner is not justified in filing this writ petition.

The record further reflects that the petitioner's application for supply of the report was rejected by reply dated 23.06.2021 by specifically mentioning that petitioner has remedy of filing an appeal before the AGM and the First Appellate Authority under Section 19 of the RTI Act. The petitioner is not justified in bypassing the remedy and filing this public interest litigation.

The Hon'ble Supreme Court in the matter of **Gurpal Singh vs. State of Punjab and Others** reported in **(2005) 5 SCC 136** has observed about the misuse of public interest petition at the instance of busy bodies as under:

“10. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be allowed to be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or member of the public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives and try to bargain for a good deal as well as to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.”

We find that present is one such petition where remedy of PIL has not been bona fide used.

For the reasons which are assigned above, we are

of the opinion that no ground is made out to entertain this public interest petition which is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)