

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**PUBLIC INTEREST LITIGATION NO.105 OF 2019
ALONG WITH
INTERIM APPLICATION (L) NO.13383 OF 2024
IN
PUBLIC INTEREST LITIGATION NO.105 OF 2019**

Neeraj Triyuginarayan Mishra : Petitioner/Applicant.

Vs.

The Union of India

Through the Ministry of Finance & ors. : Respondents.

Mr. Pradayat Chabukswar a/w Ms. Shweta Rathod i/by Elixir
Legal Services for the Petitioner/Applicant.

Mr. Darius J. Khambata, Senior Advocate a/w Mr. Gaurav Joshi,
Senior Advocate, Mr. Vikram Trivedi, Mr. Sachin Chandarana, Ms.
Lipsa Unadkat and Mr. Aagam Mehta i/by Manilal Kher Ambalal &
Co. for Respondent Nos. 2 and 3.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 09th MAY, 2024

P.C. :

1. The increase in the number of entirely misconceived
Petitions, stated to be filed in the public interest is a matter of
grave concern. We are faced daily with a flood of Petitions,
styled as public interest petitions which are anything but that.

We increasingly find that Petitions *even when drafted and filed through advocates* are infact entirely bereft of any genuine public interest but are either filed for some oblique or ulterior motive or on a complete misunderstanding of what the object and purpose of public interest litigation is. The present Petition is a prime example of the misuse or the misunderstanding of the law on public interest litigation.

2. The Petitioner in the present case describes himself as social activist. Respondent No. 2 is a leading Indian private bank. Respondent No. 3 is stated to be non-promoter shareholder of Respondent No. 2 and Respondent No. 4 is the Reserve Bank of India who *inter alia* regulates and inspects commercial banks. The essential grievance of the Petitioner in the Petition is that Respondent No.4 had failed to implement the guidelines which *inter alia* required promoters of private sector banks to reduce their shareholding, including the promoters of Respondent No.2 . It is basis this that the Petitioner has sought the following reliefs:-

- "a. *That this Hon'ble court be pleased to issue a writ of mandamus or a writ in the nature of mandamus and or any other writ or appropriate direction and pass an order & direct the Respondent Nos. 2 to 4 to disclose entire report along with documents on the subject matter i.e. reduction of promoter shareholding and all documents with respect to steps taken by Respondent No. 2 for reduction in compliance of Guidelines issued by the Respondent No.4 in that regard and all the communication which took place between the Respondent No. 2 and 4 and an action taken by the Respondent No.4 for non-compliance and to submit a detailed report on the same, with a permission to the Petitioner to submit his say on same.*
- b. *That, this Hon'ble Court after considering the aforesaid reports and other documents in respect of non-compliances and upon finding that manipulation and fraud being committed by the Respondent No. 2 and 4 and other connected persons, involving huge amount of public money, be pleased to direct the Central Bureau of Investigation and/or any other independent investigating agency to conduct investigation in the matter and submit a detailed report in this Hon'ble Court and an appropriate action be taken against the said Respondents as per criminal law.*

3. At the outset, Mr. Khambata, Learned Senior Counsel appearing on behalf of Respondent Nos. 2 and 3, has, raised a strong objection to very maintainability of the Petition and the locus of the Petitioner. He first points out that the Petitioner is neither a shareholder or member of Respondent No. 2. He further points out that the Petitioner had tried to intervene in a Writ Petition i.e. Writ Petition No.3542 of 2018 filed by Respondent No. 2 *inter alia* challenging the guidelines issued by Respondent No.4 pertaining to reduction of promoters shareholding. Crucially Mr. Khambata then points out that the present Petition was filed after the said Writ Petition was withdrawn by Respondent No.2 in view of the fact that the entire issue regarding the promoters shareholding in Respondent No. 2 was subsequently resolved. He thus submits that the Petition is plainly devoid of any merit and that the Petitioner is nothing more than a meddlesome interloper.

4. Mr. Khambata further points out that the Petitioner is not a shareholder of Respondent No.2 and, that not a single

shareholder of Respondent No.2 has any grievance with the issues that are now raised in the present Petition. He points out that the entire Petition is based only on the newspaper reports and the mere *ipse-dixit* of the Petitioner and nothing more. Basis this, he submits that the Petition deserves to be dismissed.

5. Mr. Chabukswar Learned Counsel for the Petitioner denies that the Petitioner does not have locus. He however does not dispute the fact that (a) the Petitioner is neither a shareholder nor member of Respondent No. 2 (b) that the Petitioner had sought impleadment in the Writ Petition filed by Respondent No. 2 and (c) that the Respondent No. 4 has subsequently granted approval in regard to the promoters shareholding in Respondent No. 2. He however submits that since the issue raised in the Petition involves public money, the Petition can be maintained in the public interest. On a query from the Court as how public money was involved, Mr. Chabukswar was unable to elaborate or explain.

6. He then went on to submit that the Petitioner had taken out an Interim Application to bring on record certain subsequent events, which is submitted or to be allowed first. Mr. Khambata took strong exception to this and submitted that a copy of the Interim Application had not even been served upon the Respondent, and the same was nothing more than an attempt to prolong this Petition, which was ex facie not maintainable. He reiterated that the present Petition deserved to be dismissed as being a complete abuse of the process of law.

7. After having heard Learned Counsel for the Parties and perused the Petition ourselves, as we have already noted above, we find that the Petition is entirely bereft of any merit and deserves to be dismissed for the following reasons, viz.

A. The Petitioner has been unable to make out even the slightest semblance of what the issue of public interest in the present Petition is. The Petition is

based entirely on newspaper articles and nothing more. We must also note that the Petitioner has in the Petition sought a Writ of Mandamus against Respondent No. 4, without (a) establishing on what basis the Petitioner would be entitled to such a Writ and crucially (b) without even making any representation to Respondent No. 4. Thus, in our view, on this ground alone the Petition deserves to be dismissed.

- B. Also, we must note that the Petitioner has in the Petition specifically named one of the promoters of Respondent No. 2 and proceeded to make certain allegations against such promoter without joining such promoter of Respondent No. 2 as a party Respondent. This is indeed a practice which needs to be deprecated and, in our view, makes plain the fact that the Petition has not been filed in the genuine public interest but has been filed for oblique reasons.

C. We also find that Petitioner is entirely bereft of any locus. The Respondent No. 2 is a private bank. The Petitioner is admittedly not a shareholder or member of Respondent No. 2. No shareholder or member has any grievance in respect of the issues raised in the Petition. Additionally, we find that the very basis upon which the Petitioner has claimed to have locus is plainly misconceived and shows a complete lack of understanding on the part of the Petitioner as to what the very nature and scope of public interest litigation is and for whom and what causes the traditional concept of locus standi was relaxed. The Petitioner has in the Petition to establish locus set out as follows, viz.

"3. The Petitioner states that, he has the locus to knock the doors of this Hon'ble Court for appropriate reliefs as set out in this Petition. It implies the rights of the Petitioner to move this Hon'ble Court as an aggrieved person by reason of any act of commission or omission of the Respondent No.4 failing to appropriately take steps for regulation of Respondent No.2 Company."

We find that the Petitioner has not been able to even remotely establish how the Petitioner is an aggrieved person. The Petitioner has also miserably failed to establish as to how the cause sought to be espoused by him is a public cause.

- D. We find it useful to note the Hon'ble Supreme Court in the case of ***S.P. Anand, Indore vs. H.D. Deve Gowda & Others***¹ where the Hon'ble Supreme Court held as follows, viz.

"18. Before we part, we cannot help mentioning that on issues of constitutional laws, litigants who can lay no claim to have expert knowledge in that field should refrain from filing petitions, which if we may say so, are often drafted in a casual and cavalier fashion giving an extempore appearance not having had even a second look. This is the impression that one gets on reading the present petition. It is of utmost importance that those who invoke this Court's jurisdiction seeking a waiver of the locus standi rule must exercise restraint in moving the Court by not plunging in areas wherein they are not well-versed. Such a litigant must not succumb to spasmodic sentiments and behave like a knight-errant roaming at will in pursuit of issues providing publicity. He must remember

1 (1996) 6 SCC 734

that as a person seeking to espouse a public cause, he owes it to the public as well as to the court that he does not rush to court without undertaking a research, even if he is qualified or competent to raise the issue. Besides, it must be remembered that a good cause can be lost if petitions are filed on half-baked information without proper research or by persons who are not qualified and competent to raise such issues as the rejection of such a petition may affect third party rights"

(emphasis supplied)

We find that the same applies on all fours to the conduct of the Petitioner in the present case. We thus have no hesitation in holding that the Petitioner is clearly a meddlesome interloper and nothing more.

8. Hence for the aforesaid reasons, we find no merit in the Petition. We are however restraining ourselves from granting costs.

9. Petition is thus dismissed.

10. In view of dismissal of the present PIL Petition,

Interim Application (L) No.13383 of 2024 does not survive and the same is accordingly disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)