

Vithaldas Vs. Union of India

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Court : Andhra Pradesh

Decided On : Nov-09-2000

Reported in : 2000(6)ALD486; 2000(6)ALT304

Judge : S.R. Nayak and; S. Ananda Reddy, JJ.

Acts : [Constitution of India](#) - Article 226; [Income Tax Act, 1961](#)

Appeal No. : WP No. 21506 of 2000

Appellant : Vithaldas

Respondent : Union of India

Advocate for Def. : Standing Counsel for Income Tax

Advocate for Pet/Ap. : Mr. Y.V. Kishore, Adv.

Judgement :

ORDER

S.R. Nayak, J.

1. We should state at the threshold that this writ petition filed as a public Interest Litigation (PIL) admittedly by a relative of the eight persons against whom he wanted the Commissioner (Vigilance) Income Tax Department, Hyderabad to take action in accordance with the provisions of the Income Tax Act, is totally

unjustified and vexatious apart from being totally vague. The petitioner except stating in his representation dated 5-11-1999 addressed to the Commissioner that those eight persons named by him in the representation have accumulated huge wealth and money and they are also involved in private money lending business has not chosen to furnish any details whatsoever. It is held and reiterated by this Court and the Apex Court that a pro bono public character who files PILs., has the responsibility of making necessary investigation in the first instance and to bring him findings to the notice of the concerned authorities before moving the constitutional Courts by way of PILs. The very fact that the petitioner happens to be the relative of the eight persons against whom he wanted the enquiry indicates that the petitioner is not a pro bono public character but the writ petition is filed for extraneous consideration.

2. This Court speaking through one of us (SRN, J) while dealing with unscrupulous and unjustified PIL in *Thakur Bahadur Singh v. Government of A.P.*, : 1998(6)ALD101 , had to observe in Para 12 as under:

'Time has come for the Constitutional Courts not only to nib the unscrupulous and unjustified PILs at the bud but also to make the movers of such PILs accountable in concrete terms. Mere disapproval of such PILs by the Courts will not help the public justice in the long run. The State spends huge sum of money out of the limited resources to provide, maintain and conduct apparatus of adjudicatory processes. If the Court finds that the adjudicatory process is abused or misused wantonly by a person under the garb of PIL, it is but necessary to make him accountable for his litigative luxury, in order to subserve the public interest. Public Interest will never be permitted to suffer in a Public Interest Litigation. That can be achieved by imposing exemplary costs. One cannot have the pleasure of an unjustified PIL at the cost of the public just paying Rs.100/- towards Court fee, a pittance when compared to the actual cost incurred by the State.'

3. PIL is a legal technique, a noble responsible technique which could be resorted to only by a bona fide public character surcharged by only public interest and nothing else. Under the garb of PIL no person can be permitted to abuse the process of law and waste the judicial time as pointed out in the above judgment.

4. In the result and for foregoing reasons, we dismiss the writ petition with exemplary costs fixed at Rs.5000/-(Rs.Five thousand only) payable to the Secretary, A.P. State Legal Services Authority, Hyderabad, within a period of two weeks from today. The Secretary of the A.P. State Legal Services Authority, Hyderabad is directed to report compliance of the direction by the petitioner.

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