

GIANI DEVENDAR SINGH SANT SEPOY SINGH

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v.

UNION OF INDIA AND ANOTHER

JANUARY 4, 1995

[P.B. SAWANT AND G.N. RAY, JJ.]

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Public Interest Litigation—General and wide allegations about corruption and clandestine activities—Petitioner inter alia alleging smuggling of narcotic drugs by owners of a certain oil mill—High Court order making general and sweeping observations—Held, High Court should not have issued mandate in general and sweeping terms which were not intended to be implemented nor capable of being implemented because of its vagueness and inherent absurdity—DGP of State, however, required to enquire into truth of allegations of smuggling and illegal activities in oil mill.

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Judiciary—Sweeping allegations against members of Judiciary—Held, while such allegations are to be deprecated, given the utter confusion and obsession of petitioner, no serious view of such allegations made against members of judiciary taken—Pleadings—PIL.

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A PIL filed in the MP High Court alleged *inter alia* that clandestine business of smuggling and selling narcotic drugs was being carried on in an oil mill near the Gurudwara where the petitioner and his wife were Sevadars. It was prayed that a direction be issued to whomsoever it may concern to stop this clandestine business of smuggling, and to direct the Union Government to make arrangements for the export of these costly items in order to conserve foreign exchange so that the country's finances may be revived. The High Court, on 27 February 1992, observed that however absurd the prayer and whatever be the intention of the petitioner in filing the petition, it was clear that the petitioner was obsessed with great and lofty ideals. To satisfy his vanity, therefore, the High Court made certain general directions to prevent smuggling, to sack those officers who were carrying on these activities and to overhaul the entire administrative machinery of the country.

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In 1993, the petitioner approached the High Court complaining that the concerned authorities had not complied with the direction of the High Court. Complaints made by the petitioner to various authorities was

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A referred to. A Division Bench held that the direction contained in the order dated 27 February 1992 was of a general nature, and in view of the general allegations against all concerned made by the petitioner, no relief could be granted.

B In appeal before this Court, the petitioner referred to his complaints before various executive and judicial authorities, and in particular alleged that a named judge was dishonest, communal and corrupt and that the judicial officers before whom the complaints had been presented, failed to take action because of patronage of that judge. There was also a prayer for a direction for implementation of Hindi as a national language.

C Dismissing the petition, this Court

HELD : 1. When the High Court was of the view that the prayer made by the petitioner was absurd, it should not have made a direction in general and sweeping terms. If the High Court intends to pass an order on an application presented before it by treating it as public interest litigation, the High Court must precisely indicate the allegations or the statements contained in such petition relating to public interest litigation and should indicate how public interest was involved and only after ascertaining the correctness of the allegation, should give specific direction as may seem just and proper in the facts of the case. It appears that the High Court disposed of the petition in a lighter vein and its order is couched in veiled sarcasm. Such course of action is not desirable and the High Court should not have issued mandate in general and sweeping terms which were not intended to be implemented and were not capable of being implemented because of utter vagueness of the mandate and of its inherent absurdity.

F [34-F-H, 35-A-B]

2. The petition presented before this Court lacks in material particulars and it is also very difficult to discern precisely the allegations sought to be made. Reference to various cases made in different courts have been made without giving relevant particulars. It is therefore not possible to appreciate whether such complaints were maintainable or not and whether on not orders passed on the complaints were justified. [35-F]

3. The sweeping allegations against a judge and other judicial officers need to be deprecated in no uncertain terms. But it appears that the petitioner is a confused person obsessed with lofty ideals and perhaps has failed to appreciate the consequence of making wild allegations against

judicial officers. No serious note need, therefore, be taken of such allegations. [35-G-H] A

4. The petitioner has been crying hoarse about smuggling and illegal activities relating to narcotic drugs and psychotropic substances in the premises of an oil mill. It is desirable that the DGP, Madhya Pradesh, should cause enquiry to be made by some superior officials into the allegations, and take appropriate action on the basis of the report. B

[37-C-D]

CRIMINAL APPELLATE JURISDICTION : Special Leave Petition (Crl.) Nos. 1208-09 of 1994. C

From the Judgment and Order dated 8.12.93 of the Madhya Pradesh High Court in M.P. No. 63 of 1993.

Petitioner In-person.

The Judgment of the Court was delivered by D

G.N. RAY, J. These special leave petitions are directed against the judgment and order dated December 8, 1993 passed by a Division Bench of the High Court of Madhya Pradesh (Indore Bench) in Misc. Petition No. 63 of 1993. The Division Bench by the said order dismissed the petition of the petitioner made before the Madhya Pradesh High Court (Indore Bench) *inter alia* contending that the respondents failed to comply with the direction contained in the order dated February 27, 1992 passed in Misc. Petition No. 266 of 1992 by a Division Bench of the Indore Bench of the Madhya Pradesh High Court. As the direction dated 27.2.92 was passed by a Division Bench of the Madhya Pradesh High Court consisting of the Chief Justice of the said High Court and Mr. Justice V.S. Kokje, a single Bench of the Madhya Pradesh High Court before whom the petition alleging non-compliance of the direction of the High Court was placed for disposal, directed to place the matter before the Hon'ble the Chief Justice at Jabalpur so that the Chief Justice would constitute an appropriate bench for the disposal of the said application. The learned Single Judge, namely, Mr. Justice V.S. Kokje called for the records of the cases mentioned in the application of the petitioner from the Court of the learned Sessions Judge, Mandsaur. It was directed that the learned Sessions Judge, Mandsaur, should transmit the records of the cases filed by the petitioner in various courts under the judgship of the learned Sessions Judge and transmit the E F G H

- A same to the High Court. The said application was numbered before the Division Bench of the Madhya Pradesh High Court as Misc. Petition No. 63 of 1993 and as aforesaid by the impugned order the said Misc. petition was dismissed by the Division Bench consisting of Mr. Justice V.S. Kokje and Mr. Justice R.D. Shukla. It may be stated here that one of the members of the Division Bench, namely, the then Chief Justice of Madhya Pradesh
- B High Court which disposed of Misc. Petition No. 266 of 1992 on 27.2.92 retired when the said Misc. Petition No. 63 of 1993 was taken up for hearing by the Division Bench constituted for the purpose.

- C It appears from the Order dated 27.2.92 passed by the Division Bench consisting of the then Chief Justice of Madhya Pradesh High Court, Justice S.K. Jha and Justice V.S. Kokje in Misc. Petition No. 266 of 1992 that a public interest litigation was filed by the petitioner and he was heard in person. The Division Bench in the order dated 27.2.92 has noted to the following effect :

- D "Petitioner in person. He is heard. This is supposed to be a piece of public interest litigation. As to whether it is a piece of litigation or not, is not easy for us to discern. Be that as it may, as we have been able to understand, the petitioner Shri Sardar Gyani
- E Devendra Singhji, Sant Sipahi, feels very much aggrieved and pained by the entire social order and the clandestine activities by all and sundry in the country affecting not only the country's finances, but eating up the nerves of the entire nation in all spheres. According to the petitioner, he and his wife are Sevadars in a Gurudwara situate at Ratangarh in the district of Mandsaur. His
- F grievance is that there is an oil mill near the Gurudwara in which, for all outward purposes, edible oils are manufactured, but people there are engaged more in clandestine business of smuggling and selling opium, heroin, brown sugar, poppy husk and the like and the authorities are not taking any care to see that such activities are stopped. Rather they are said to be hands in glove with the oil
- G mill owners. It is, therefore, prayed that a direction be issued to whomsoever it may concern, to stop this clandestine business and smuggling and instead, to direct the Union Government to make arrangements for export of these costly items in order to conserve foreign exchange so that the country's finances which are more or
- H less in a shattered state, may, to a great extent, be revived.

Howsoever absurd the prayer may be and whatever be the intention of the petitioner in filing this petition, one thing is quite clear that he is obsessed with great and lofty ideals. Therefore, for whatever worth it is, in order to satisfy his vanity, we hereby direct to whomsoever it may concern, that smuggling and underground dealings in such dangerous articles as mentioned above, should be stopped and the sooner the better for the country. All those officers who are said or alleged to be (more imaginary than real) with those carrying on these nefarious activities be sacked and the entire administrative machinery of the country be overhauled by recruiting only conscientious and devoted people like the petitioner so that the already suffering masses of the nation are no longer made to suffer."

In the petition numbered as Misc. Petition No. 63 of 1993 in which the impugned decision has been made, the petitioner complained before the Madhya Pradesh High Court that neither the concerned authorities of the Central Government nor of the State Government complied with the direction contained in the said order dated 27.2.92 passed in Misc. Petition No. 266 of 1992. The petitioner alleged that the direction of the Division Bench contained in the said order dated 27.2.92 was published in the newspaper. The petitioner also alleged that he drew attention of the concerned authorities to such order and also about inaction on their part in not taking appropriate steps to stop nefarious activities including clandestine business of smuggling and selling of opium, heroin, brown sugar, poppy husk and the like in the premises of an oil mill situated in the district of Mandsaur. The petitioner complained that the concerned authorities failed to take any step to prevent such activities. On the contrary they worked hand in glove with the owners of the oil mill. The petitioner prayed that a direction should be issued to whomsoever it may concern to stop such clandestine business of smuggling activities and the Union Government be directed to make arrangements for export of those costly items in order to earn foreign exchange so that country's finances which were more or less in a shattered state would be to a great extent revived.

In disposing of the said petition alleging non-compliance of the aforesaid direction dated 27.2.92 passed by the Division Bench of the Madhya Pradesh High Court in Misc. Petition No. 266 of 1992, it has been held in the impugned order dated December 8, 1993 that the petitioner has

- A given some instances which according to the petitioner were not followed though the notice of the concerned officer and also of the judicial officers was brought to the said facts. The Division Bench has held that the direction contained in the order dated 27.2.92 was of a general nature, and in view of the general allegations against all concerned made by the petitioner, no relief can be given to the petitioner and the petition deserves to be dismissed.

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- It has been alleged in the instant special leave petitions that the petitioner made a complaint on January 3, 1992 in the Court of Additional District Judge and also before the District Judge, Mandsaur, on January 18, 1992. Such complaints were again presented to the said judges on January 29, 1992 and on February 27, 1992. As no appropriate action had been taken by the Additional District judge and the District Judge, Mandsaur, the petitioner presented the application before the Indore Bench of the Madhya Pradesh High Court containing the said complaints after suitably modifying the same' and on such application the said order dated 27.2.92 was passed.

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- The petitioner has alleged that after getting a copy of the said order dated 27.2.92 passed by the Division Bench of the Madhya Pradesh High Court, twenty five photostat copies of the said order were made and the same were sent to Press Club, Indore, for circulation and necessary action by the concerned authorities. According to the petitioner, wide circulation to the order was given. On February 28, 1992, in Free Journal of Indore the order was published. As no concerned authority gave attention to the said order, the petitioner sent the copies of the said order to Sri Dhamsana, the Superintendent of Police, Indore, Shri Narender Pal Singh, Collector of Mandsaur, Shri Ram Niwas, S.P., Mandsaur. A photo copy of the order was also sent to Shri Amitabh Jain, Sub-Divisional Magistrate of Neemuch. Such orders were circulated to the said authorities in order to enable them to take appropriate action against Shri Ghan Syam Lal and other owners of the Oil Mill at Mandsaur and to take appropriate action against nefarious activities, namely, dealing in heroine opium, brown sugar, smack etc. indulged by the owners of the said mill and other anti social elements. The petitioner has alleged that the complaints made by the petitioner before the Additional District Judge, Ist Court and also before the Additional District Judge, IInd Court Mandsaur, were dismissed although in such complaint petitions besides the allegations about nefarious and illegal

activities being conducted by the said Oil Mill Owners, a copy of the order dated 27.2.92 of the High Court was annexed. The petitioner alleges that he also filed petition of complaint before the Additional Chief Judicial Magistrate and the District Judge, Mandsaur and also in the Court of Shri Roop Singh, Alawa but all such applications were dismissed. The petitioner also presented application in the Court of Sri G.B. Ail Jatwal and Shri I.P. Singh, Solanki, Judicial Magistrate, Jawak, out the said Judicial Officers also did not take any action and the complaint petitions were deposited in the record room. The complaints were also made against the Chief Administrator of the Municipal Corporation, Ratangarh because the said Administrator failed to take appropriate action in preventing public nuisance committed within the said Oil Mill. The petitioner alleged that the Sevadars of Gurudwara, Ratangarh and owners of Hanuman Small Industries (Oil Mill) have indulged and allowed commission of these illegal and smuggling activities concerning narcotic and psychotropic drugs. The petitioner has alleged that although it was incumbent on the part of the Sub-Divisional Magistrate to take appropriate action on the basis of the complaint made by the petitioner, more so, when the said order dated 27.2.92 of the High Court was annexed with the petition of the complaint, the learned Magistrate dismissed the said application on March 11, 1992. It has been alleged by giving the name of a judge of the High Court that the said Judge being dishonest, communal and corrupt, the Judicial Officers before whom the complaints were presented, failed and neglected to take action because of patronage of the High Court Judge. The petitioner has alleged that all the Judicial officer before whom the petitions of complaint had been presented disposed of such applications without passing any effective and appropriate order. Hence, such judicial officers are liable to be prosecuted, and their action amounted to defaming the petitioner. It has also been alleged that if no action is taken against such illegal and nefarious activities concerning the narcotic and psychotropic drugs, the national exchequer will be loosing every day about Rs. 500 crores and smugglers and anti social elements will flourish.

A prayer has also been made that instruction should be issued for implementation of Hindi as national language of India because the direction for making Hindi as national language should have been made at least twenty eight years ago. The petitioner has also made a prayer that he should be compensated for the loss suffered by him from March 1, 1992 and the nation should also be compensated for the loss suffered by the

A nation and such compensation should come out of the pockets of such persons who did not care to take any action on the complaints made by the petitioner and comply with the order passed by the High Court on 27.2.92.

B So far as the direction contained in the said order dated 27.2.92 is concerned, it appears to us that such direction was made by making some general and sweeping observations on the basis of allegations made by the petitioner. It also appears that the High Court in disposing of Misc. Petition No. 266 of 1992 by its order dated 27.2.92 has clearly noted that it was not easy to discern precisely what the petitioner intended to allege in the petition presented before the Indore Bench of the Madhya Pradesh High Court. The High Court as a matter of fact, observed that "*howsoever absurd the prayer may be and whatever may be the intention of the petitioner in filing the alleged public interest litigation, one thing is clear that he is obsessed with great and lofty ideals and therefore for whatever worth it is, in order to satisfy his vanity, we direct to whomsoever it may concern, the smuggling and underground activities in such dangerous articles should be stooped and sooner the better for the country.*"

E In also appears from the order dated 27.2.92 that the High Court noted that the Officers who were alleged to have been carrying on nefarious activities *were more imaginary than real* but it was directed that the officers who were carrying on such activities should be sacked *and the entire administration of the country should be overhauled by recruiting only conscientious and devoted people like the petitioner.*

F It appears to us that when the High Court was not in a position to precisely discern what was the complaint alleged by the petitioner and when the High Court was of the view that the prayer made by the petitioner was absurd and it also held that the officers who were alleged to have been carrying on nefarious activities were more imaginary than real, the direction in general and sweeping terms to sack erring officers (whomsoever they may be) and overhaul the administration by recruiting only conscientious and devoted people like the petitioner in order to satisfy the vanity of the petitioner, should not have been made. If the High Court intends to pass in order on an application presented before it by treating it as a public interest litigation, the High Court must precisely indicate the allegations or the statements contained in such petition relating to public interest

litigation and should indicated how public interest was involved and only after ascertaining the correctness of the allegation, should give specific direction as may deem just and proper in the facts of the case. A

It appears to us that the application was disposed of by the Division Bench of Madhya Pradesh High Court in a lighter vein and the order dated 27.2.92 is couched with veiled sarcasm. Such course of action, to say the least, is not desirable and the High Court should not have issued mandate in general and sweeping terms which were not intended to be implemented and were not capable of being implemented because of utter vagueness of the mandate and of its inherent absurdity. B

It appears to us when the petitioner alleged non-compliance of the direction of the High Court as contained in the said order dated 27.2.92, the Division Bench of which Mr. Justice V.S. Kokje was one of the members, which passed the order dated 27.2.92, felt that the said order was not capable of being implemented and therefore dismissed the application by passing the impugned order. It is only unfortunate that the petitioner, a layman, appeared in person and when his petition was entertained by the Division Bench having the then Chief Justice of High Court as a member, and was disposed of by giving some direction, he must have hoped that his efforts to eradicate nefarious activities as alleged by him, have been crowned with success and it appears that he moved various authorities zealously to implement the mandate of the High Court without appreciating that such mandate was of no consequence and prayer for implementation is to be dismissed unceremoniously at a later stage. C D E

However, we have considered the present petition moved by the petitioner in person. It appears to us that the petition which has been presented before this Court lacks in material particulars and it is also very difficult to discern precisely the allegations sought to be made in the said application. The petitioner has also made a wide and sweeping allegation against a Judge of the High Court without giving any instance how and in what manner the said Judge has influenced the other judicial officers of the State. Such sweeping allegations against a Judge and other judicial officers need to be deprecated in no uncertain terms. But it appears to us that the petitioner is a confused person obsessed with various lofty ideals and perhaps has failed to appreciate the consequence of making wild allegations against judicial officers. Even in this application, the petitioner F G H

- A has alleged that this Court should pass direction for making Hindi as a national language because such direction should have been given twenty eight years ago. He has also contended that he should be compensated for the loss alleged to have been suffered by him from March 1, 1992 without indicating how and in what manner he has suffered losses, He has also
- B alleged that the nation should also be compensated for the loss suffered by the nation from the pockets of the concerned person who did not care to take action against illegal and improper activities by the Mill Owners and some other persons. Such statements, to say the least reveal utter confusion and obsessions of the petitioner. We are, therefore, not inclined to take any serious view of the wild allegations made against some of the members
- C of the judiciary.

- We may indicate here that, as a matter of fact, when these matters were taken up for hearing before another Bench of this Court on August 12, 1994 the said Bench, with respect, rightly could not appreciate the
- D precise relief which the petitioner was seeking and as the petitioner was appearing in person and was making reference about various cases filed in different courts without giving relevant particulars of such cases and orders passed in such cases. Hence, the Bench in its order dated August 12, 1994 indicated that it was not possible for the Court to understand what were those cases and against whom the same had been filed because the copies
- E of those orders were not available on the record. By the said order dated August 12, 1994 it was directed that the Secretary, Supreme Court Legal Aid Committee, would render assistance to the Petitioner to project his grievance and assist the Court and the petitioner was directed to approach the Supreme Court Legal Aid Committee for the purpose. It appears that
- F in view of the direction, a counsel of this Court was engaged by the Supreme Court Legal Aid Committee but for the reasons best known to the petitioner, the petitioner chose to address the Court in person and in his submission he made general and sweeping remarks about the increase in corruption and malpractices gripping the country, seriously affecting the progress of the nation. He also alleged that various smuggling and
- G nefarious activities relating to narcotic and psychotropic drugs were being committed by the owners of a Oil Mill situated in the District of Mandsaur and various complaints made by him in different law courts were simply dismissed. In the absence of the copies of complaints alleged to have been presented in various courts of law and orders passed on such complaints,
- H it is not possible to appreciate whether such complaints were maintainable

or not and whether or not orders passed on such complaints were justified. That apart, if an order is passed by a court, a party aggrieved may move against such order in a manner known to law and within the framework of law. As the impugned order of the High Court dated December 8, 1993 passed in Misc. Petition No. 63 of 1993 does not call for any interference and as these petitions do not merit any further consideration, we dismiss the same without any order as to costs.

It, however, appears that the petitioner, an old man and a Sewadar of a Gurudwara has been crying hoarse that in the premises of an oil mill near the Gurudwara at Ratangarh in Madhya Pradesh various smuggling and illegal activities relating to narcotic and psychotropic drugs are being carried on. Even if the petitioner has not been able to precisely give particulars of such illegal activities concerning narcotic and psychotropic drugs, we feel that it is only desirable that the Director General of Police, Madhya Pradesh should cause enquiry to be made by some superior police officials of the State about the truth or otherwise about the allegations of smuggling and illegal activities being carried on in the premises of an oil mill near the Gurudwara at Ratangarh in the State of Madhya Pradesh concerning narcotic and psychotropic drugs and take appropriate action on the basis of the enquiry report. The Registrar General of this Court is directed to convey only this direction to the Director General of Police, Madhya Pradesh.

U.R.

Petition dismissed.