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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 18th May, 2021

+ W.P.(C) 5358/2021

MAYANK WADHWA Petitioner

Through: Mr. Sacchin Puri, Sr. Adv. with Ms. Hrishika Pandit & Mr. Kamil Khan, Advs. along with petitioner in person

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Anurag Ahluwalia, CGSC with Mr. Vinay Yadav, Mr. Akshay Gadeock, Mr. Amit Gupta & Mr. Sahaj Garg, Advs. for UOI/R-1
Mr. Santosh Kumar Tripathi, Standing Counsel, GNCTD with Mr. Aditya P. Khanna & Mr. Shashank Tiwari, Advs. for R-4/GNCTD

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

Proceedings have been conducted through video conferencing.

CM APPL.16536/2021 (exemptions from filing court fee/attested affidavit)

For the reasons stated in the application and in view of the present prevailing situation, the present application is allowed. However, the applicant is directed to file duly signed and affirmed affidavits within a

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Signature Not Verified

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period of one week and the requisite Court fee within a period of 72 hours from the date of resumption of regular functioning of the Court.

The application is disposed of.

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1. This so-called Public Interest Litigation has been preferred with the following prayers:

“(a) Direct the respondents to provide the details of the foreign vaccine manufacturers who have applied for approval in India and the status of such applications;

(b) Direct the respondents to make appropriate changes/alterations in their import licensing and emergency approval procedure so as to make it at par with approval provided to the Indian vaccines;

(c) Direct the respondents to approve and make available foreign vaccines like Pfizer which have proven to be efficacious in other countries and the same be made available to the Indian Citizens at Large as well and the same be in accordance of a Court determined timeline/deadline;

(d) Allow multiple channels/importers/companies to import the foreign vaccines and provide the logistical support in distribution of the vaccine to the citizens;

(e) Pass such other and further orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Learned Senior Counsel appearing for the petitioner submits that substantial relief claimed in the writ petition is a direction to the Respondents to provide details of foreign vaccine manufacturers who have applied for approval in India and the status of such applications as postulated in prayer (a) and remaining reliefs are only consequential.

3. Reading of the petition reflects that the Petitioner is seeking details and data with respect to foreign vaccine manufacturers who have applied for

approval in India and the status of such applications. The nature of reliefs sought indicates that the Petitioner is using the medium of this writ petition to collect information from the Government Departments, which is impermissible in law. We see no reason to entertain this writ petition, while exercising powers under Article 226 of the Constitution of India. It is open to the Petitioner to seek information by resorting to appropriate remedies, available in law, including under the Right to Information Act, 2005. In fact, the said Act is a complete Code in itself with provisions for first and second appeal.

4. Without resorting to the remedies available to the petitioner to seek information or even preferring a representation before the Competent Authority, petitioner has rushed to this Court using the writ petition as a tool to collect information and evidence. It is noticed that increasingly, writ petitions are being filed for the slightest of cause, without availing the alternative methods of ventilating the grievances. Public Interest Litigation, was an innovation to protect human rights, encompassing, over a period of time, subjects such as environment protection etc. but can certainly not be allowed to become a publicity interest litigation. It has indeed become a fashion to translate whatever ideas come into the human mind, into a writ petition and file the same in the form of Public Interest Litigation.

5. Present petition is a classic example of a Public Interest Litigation being converted into a private inquisitiveness litigation. It ought to be kept in mind that writ jurisdiction under Article 226 of the Constitution of India cannot be permitted to be misused. We therefore dismiss the writ petition with costs of Rs.10,000/- (Rupees ten thousand only) to be paid by the petitioner to the Delhi State Legal Services Authority (DSLISA) within four

weeks from today. The aforesaid amount shall be utilized for the programme 'Access to Justice'.

6. A copy of this order be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi - 110001.

CHIEF JUSTICE

JYOTI SINGH, J

MAY 18, 2021/ns

भारतमेव जयते