

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. 696 of 2022

Namaha Petitioner

Through : Petitioner in person

v/s

State of U.P. and others Respondents

Through : Mr. Manish Goel, Additional Advocate General, with Mr. Vineet Pandey, Chief Standing Counsel and Mr. A.K. Goyal, Additional Chief Standing Counsel for respondent No. 1 and Mr. Ashutosh Mishra, Advocate for respondent No.3

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE PIYUSH AGRAWAL, JUDGE**

ORDER

1. The present petition has been filed in public interest, seeking direction to respondent No.2 to disclose his full and actual name in public domain and produce all documents thereto. Further direction sought to him, is for taking oath of office and secrecy under his real name and to refrain him from using the word 'Yogi' as title in his official communication.

2. The respondent No.2 has been impleaded as 'Adityanath', Member of Legislative Assembly, Gorakhpur (Urban)/Chief Minister of the State of Uttar Pradesh.

3. The petitioner, who appeared in person, referred to certain documents placed on record to show that respondent No.2 had been using different names at different places on different occasions. He referred to document at page 29 where his name was mentioned as 'Aditya Nath'. Reference was also made to another document at page 55 where his name was mentioned as 'Adityanath'. The same is in Hindi. It is the nomination form of respondent No.2 for election to 64 - Gorakhpur Parliamentary Constituency, as attested on April 22, 2014. It was claimed that the said document was downloaded by the petitioner from the website of the Lok Sabha. Further reference was made an affidavit sworn by respondent No.2, which is typed in Hindi, dated February 4, 2022 while filing his nomination paper for the State Assembly Election wherein his name is mentioned as 'Adityanath'. The same is in Hindi. While referring to the aforesaid documents, it was argued that four sets of nomination papers were filed by the same person and only one person contested the election.

4. Thereafter, reference was made to document at page 83 where the name of respondent No.2 was mentioned as 'Adityanath'. It is said to be downloaded from the website 'National Election Watch', which is claimed to be official website of the Election Commission of India. While referring to notice dated April 11, 2019 issued by the Election Commission of India to the respondent No.2, it was argued that while adding the word 'Yogi' with his name, even the Election Commission of India had mixed up with him, as his name is not Yogi Adityanath.

5. An application was filed to the State Government under the Right to Information Act for furnishing the

requisite information, however, the same has not been furnished till date.

6. Referring to the aforesaid documents, it has been submitted that respondent No.2 is using different names at different places. He had even taken oath while pronouncing his name differently. Hence, a direction is required to be issued to him for disclosing his correct name. More than 25 crore residents of the State of Uttar Pradesh want answer.

7. He further submitted that he had filed a writ petition for correction of the name of our country as mentioned in Article 1 of the Constitution of India, before Hon'ble the Supreme Court. Hence, he is a public spirited person and raises issues of public importance in Courts.

8. On the other hand, Mr. Manish Goel, learned Additional Advocate General appearing for respondent No.1, submitted that a perusal of reliefs prayed for in the writ petition, shows that the same are for direction against respondent No.2, impleaded as a private person. Hence, a writ petition will not be maintainable. He further submitted that the petitioner has not disclosed his credentials as required under sub-rule (3-A) of Rule 1 of Chapter XXII of the High Court Rules. While referring to the judgments of the Hon'ble Supreme Court in **Dattaraj Nathuji Thaware Vs. State of Maharashtra and others, (2005) 1 SCC 590** and **State of Uttaranchal Vs. Balwant Singh Chaufal and others, (2010) 3 SCC 402**, it was submitted that the present petition having been filed for ulterior motive, deserves to be dismissed at the threshold, with special costs.

9. In response, the petitioner, who appears in person, submitted that Hon'ble the Supreme Court had sought his personal details while he had filed a writ petition in public interest there. Hence, he thought of asking for details of respondent No.2 as he is bound to disclose his identity. He further submitted that he was a candidate from Laxmi Nagar Assembly Constituency in the elections held in 2020 on a ticket of Lok Janshakti Party and secured about 70-80 votes. He further submitted that he was not aware of the Rules and Orders of this Court, which require disclosure of credentials of a person while filing public interest litigation. It was further claimed that he is illiterate as certified by the Election Commission of India and is not doing anything.

10. He claimed that for filing writ petition before the Hon'ble Supreme Court with reference to the name of our country as mentioned in Article 1 of the Constitution of India, he had read 18 different copies of the Constitution to make out his case. During the course of hearing, he was addressing arguments in English. He could very well go through the provisions of the Constitution, a copy of which he was carrying with himself but, still, he claimed himself to be illiterate person.

11. Heard learned counsel for the parties and perused the paper book.

12. Sub-rule (3-A) of Rule 1 of Chapter XXII of the High Court Rules, in term of which a petitioner in a public interest litigation, is required to disclose his credentials, reads as under:

"(3-A) In addition to satisfying the requirements of the other rules in this chapter, the petitioner seeking to file a Public Interest Litigation, should precisely and specifically state, in the affidavit to be sworn by him giving his credentials, the public cause he is seeking to espouse; that he has no personal or private interest in the matter; that there is no authoritative pronouncement by the Supreme Court or High Court on the question raised; and that the result of the litigation will not lead to any undue gain to himself or anyone associated with him, or any undue loss to any person, body of persons or the State."

13. In the case in hand, all what is claimed is that the petitioner is a social activist and he has no personal or private interest in the matter.

14. Hon'ble the Supreme Court in **Dattaraj Nathuji Thaware's case (supra)**, opined that public interest litigation is a weapon to be used with great care and circumspection. The Court has to be careful in lifting the veil and see what is the real objective behind. The process should not be allowed to be misused. Many petitions are filed just with a view to gain cheap publicity. Paragraph 12 thereof is extracted below:-

"12. 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 citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not be 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 considerations. 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 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."

15. The issue was further examined by Hon'ble the Supreme Court in **Balwant Singh Chauhan and others' case (supra)**. Certain directions have been issued to preserve purity and sanctity of public interest litigation. Paragraph 181 thereof, reads as under:-

"181. We have carefully considered the facts of the present case. We have also examined the law declared

by this court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:-

- (1) The courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.
- (2) Instead of every individual judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this court immediately thereafter.
- (3) The Courts should *prima facie* verify the credentials of the petitioner before entertaining a PIL.
- (4) The Courts should be *prima facie* satisfied regarding the correctness of the contents of the petition before entertaining a PIL.
- (5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations."

16. At the time of hearing, the petitioner had divulged certain more facts which were not there in the petition, namely, he claimed that he had contested the Assembly election in Delhi in the year 2020 on a ticket of Lok Janshakti Party and secured 70-80 votes. This fact was concealed from this Court. He being a political person, deliberately chose to conceal his identity while filing the writ petition, apparently with some ulterior motive or cheap publicity.

17. Though, he had given his address of Delhi in the petition, however, at the time of hearing, he stated that he belongs to Uttar Pradesh. Again an effort to mislead the Court.

18. Further, there was a smart answer given by him about his educational qualification. He claimed that he had been certified to be an illiterate person by the Election Commission of India, a fact which was belied on the face of it from the conduct and presentation of the case by the petitioner. He was arguing his case in English. He was carrying copy of the Constitution of India and could read the same very well. Still, he claimed that he had been certified to be illiterate by the Election Commission of India, apparently on the basis of some wrong information furnished by him.

19. From the documents and pleadings in the writ petition, he could not make out any case that is sought to be projected. Rather efforts seem to be for a roving enquiry into certain non-existent facts. Two documents were referred to at pages 36 and 83. The petitioner claimed he had downloaded these from the website of the Election Commission of India, which mention on the top 'National Election Watch'. However, as referred to by the learned counsel for the respondents, the same is a website which is managed by an Association for Democratic Reforms, some private persons/NGO. Hence, any information uploaded thereon, cannot be used against anyone.

20. In the nomination paper filed by respondent No.2 , the name has been correctly mentioned. There is nothing on record to suggest what is sought to be argued. The only prayer made is that respondent No.2 should be asked to furnish the information which he had even failed to furnish in response to an application filed by the petitioner under the Right to Information Act. We may only add here that the

Right to Information Act provides for complete remedies for redressal of grievance of any of the applicant regarding denial or furnishing of incomplete information.

21. For the reasons mentioned above, we find this petition to be totally misconceived, filed with ulterior motive by a political person, without disclosing his complete credentials and concealing material facts from the Court. Hence, the same is **dismissed**. To discourage filing of such frivolous petitions, in our opinion, the petitioner deserves to be burdened with cost of ₹1,00,000/-. The same is directed to be deposited by him within a period of six weeks with the Viklang Kendra, Bharadwaj Ashram, Jawaharlal Nehru Road, Muir Road, Prayagraj - 211002.

22. A copy of this order be sent to the aforesaid Viklang Kendra for information and availing appropriate remedy in case the aforesaid amount is not deposited by the petitioner within the time permitted.

(Piyush Agrawal, J.) (Rajesh Bindal, C.J.)

Allahabad
25.04.2022
AHA

Whether the order is speaking : Yes/No
Whether the order is reportable : Yes✓/No