

ITEM NO.21

Virtual Court 4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).346/2020

UMEDSINH P CHAVDA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 11-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Satya Prakash Singh, Sr. Adv.
Mr. Raunak Parekh, Adv.
Mr. Priank Adhyaru, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1 The petitioner who claims to be a social worker has invoked the jurisdiction under Article 32 of the Constitution seeking the following reliefs:

- "a) To issue Writ of Mandamus Order or Direction in Nature of Mandamus, Commanding and Directing the Respondent to issue necessary orders, prohibiting the sale and use of Coca Cola, Thumbs up, Soft Beverages and also issuing Notification uprising people at large not to drink and use it, as the same is detrimental to the cause of health and;
- b) Commanding and directing the Respondent No.1 to submit complete analytical report and scientific approval by scientist in providing license of sale and use of liquid items like

Coca Cola, Thumbs Up;"

- 2 The petitioner claims to be a "social worker". The affidavit in support of the petition states that the contents of the petition are true to the knowledge and belief of the petitioner. The petition has been filed without the petitioner having any technical knowledge on the subject. The source of his assertions has not been substantiated. No justification or explanation is forthcoming during the submissions of Mr S P Singh, learned Senior Counsel on why two specific brands in particular are chosen to be the target of the proceedings. The petition has been filed for extraneous reasons. The invocation of the jurisdiction under Article 32 is an abuse of the process.
- 3 Having heard Mr S P Singh, learned Senior Counsel appearing on behalf of the petitioner, we have come to the conclusion that invocation of the jurisdiction under Article 32 is not a *bona fide* recourse to the jurisdiction in a public interest litigation. Consequently, besides dismissing the petition an order directing the imposition of exemplary costs is necessary.
- 4 We accordingly dismiss the petition and impose costs quantified at Rs 5,00,000 on the petitioner. The costs imposed shall be deposited in the Registry within one month and shall be disbursed to the Supreme Court Advocates-on-Record Association. In default of compliance, the Registry

shall place an Office Report for directions.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER