

Deelip Chhotelal Dubey Vs State of M.P. and Others

Court: Madhya Pradesh High Court (Indore Bench)

Date of Decision: March 1, 2000

Citation: (2000) 4 MPHT 101 : (2000) 2 MPLJ 616

Hon'ble Judges: Shambhoo Singh, J; Jayant Govind Chitre, J

Bench: Division Bench

Advocate: N.K. Maheshwari, for the Appellant; D.D. Vyas, A.A.G. assisted by S. Kemkar, Chaphekar and Sharma for Respondent Nos. 1 to 4 and V.K. Jain, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

J.G. Chitre, J.

Heard.

The petitioner has taken the exception for construction of ring-road with a flag of public interest in his hand giving alarm to the State and the

officers of the State who had to be within limits of Constitution. The petition has been framed in such a way. Shri N.K. Maheshwari submitted that

said ring-road has been directed to be constructed by one Minister named B.R. Yadav. It is the strong objection of the petitioner that he cannot be

treated to be the Government. Therefore, his decision to construct the said ring-road happens to be not only arbitrary, unfair, capricious but

detrimental to the public interest.

With these submissions the petitioner is coming forth for the purpose of praying this Court that this Court should take some actions for the purpose

of impugning said action of the State in constructing the said ring-road. Shri Maheshwari pointed out that while constructing such ring-road in such

a capricious way, poor agriculturists have been ruined and they are being ruined further by the traffics on the said ring-road.

Shri D.D. Vyas pointed out by making reference in Paragraph 5.34 in the petition that the agriculturists who had filed writ petitions before the High

Court, which were disposed off and S.L.Ps. were filed in the Supreme Court which also met the same fate. However, under the pretext of

protecting the interests of those persons petitioner is camouflaging the case by distorting the facts and couching the averments suitable to his

purpose for the purpose of bringing impediment in the construction and use of said ring-road.

The camouflaging way of petitioner has been exposed by the averments made by himself in Paragraph No. 5.34 of the petition. This tendency is

growing whereby public interest petitions are filed for the purpose of putting a pressure on the State Government and its officers for oblique motive

with different colours, different tinges and different directions. The Additional Advocate General has rightly pointed out the skin underneath, which

is nothing but act of pushing a private interest. Such petitions create impediment in administration of justice and restrict the speed in which needy

persons deserve to be given the deals in the way of disposal of cases. Therefore, this Court would not only be directing dismissal of this petition

but would saddle a cost of Rs. 5,000/- on the petitioner so as to restrain other like minded persons from filing such nasty petitions which intend to

impede the speedy administration of justice. The said amount has to be deposited in the Registry by the petitioner within a month otherwise the

Collector of Indore would be at liberty to recover it by legal process. The petition stands dismissed.