

1
IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE
HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE

&
HON'BLE SHRI JUSTICE VISHAL MISHRA
ON THE 17th OF AUGUST, 2022

WRIT PETITION No. 16674 of 2022

Between:-

MAHESH MALIK S/O LATE SHRI GOPAL DAS
MALIK, AGED ABOUT 61 YEARS, OCCUPATION:
AGRICULTURE R/O H.NO. 593 G.D. TOWER
KHERMAL ROAD SATNA (MADHYA PRADESH)

.....PETITIONER

(BY SHRI S.K.PATHAK - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH
ITS PRINCIPAL SECRETARY REVENUE
DEPARTMENT VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)
2. UPPER COMMISSIONER REWA DIVISION
DISTRICT-REWA (MADHYA PRADESH)
3. COLLECTORS AT N A DISTRICT-SATNA
(MADHYA PRADESH)
4. COMMISSIONER MUNICIPAL CORPORATION
DISTRICT-SATNA (MADHYA PRADESH)
5. COMMISSIONER SATNA SMART CITY
DEVELOPMENT LIMITED 373/1,
COLLECTORATE CAMPUS, DHAWARI, SATNA
(MADHYA PRADESH)
6. VISHWANATH PRASAD SHUKLA S/O LATE
BALDEO PRASAD SHUKLA OCCUPATION:
CULTIVATION R/O VILLAGE VIDHUL KHURD,
P.O. RAMGARH, TAHSIL AMARPATAN, DISTT.
SATNA (MADHYA PRADESH)
7. SMT. KIRAN SHUKLA S/O LATE RAGHVENDRA

**PRASAD SHUKLA OCCUPATION: HOUSEHOLD
R/O VILLAGE VIDHUL KHURD, P.O. RAMGARH,
TAHSIL AMARPATAN, DISTT. SATNA (MADHYA
PRADESH)**

8. **SHRI KRISHNAM SHUKLA S/O LATE
RAGHVENDRA PRASAD SHUKLA OCCUPATION:
CULTIVATION AND ADVOCACY R/O VILLAGE
VIDHUL KHURD, P.O. RAMGARH, TAHSIL
AMARPATAN, DISTT. SATNA (MADHYA
PRADESH)**
9. **SMT. SHIVANI MISHRA W/O DEVESH MISHRA
OCCUPATION: HOUSEWORK R/O VILLAGE
VIDHUL KHURD, P.O. RAMGARH, TAHSIL
AMARPATAN, DISTT. SATNA (MADHYA
PRADESH)**
10. **SURYA PRASAD PANDEY S/O LATE AMBIKA
PRASAD PANDEY OCCUPATION: CULTIVATION
R/O VILLAGE VIDHUL KHURD, P.O. RAMGARH,
TAHSIL AMARPATAN, DISTT. SATNA (MADHYA
PRADESH)**
11. **RAVENDRA SHUKLA S/O LATE GIRIJA
SHANKAR SHUKLA OCCUPATION:
CULTIVATION R/O VILLAGE VIDHUL KHURD,
P.O. RAMGARH, TAHSIL AMARPATAN, DISTT.
SATNA (MADHYA PRADESH)**
12. **BHUPENDRA SHUKLA S/O LATE GIRIJA
SHANKAR SHUKLA OCCUPATION:
CULTIVATION R/O VILLAGE VIDHUL KHURD,
P.O. RAMGARH, TAHSIL AMARPATAN, DISTT.
SATNA (MADHYA PRADESH)**
13. **GANGA PRASAD SHUKLA S/O LATE ONKAR
PRASAD SHUKLA OCCUPATION: CULTIVATION
R/O VILLAGE VIDHUL KHURD, P.O. RAMGARH,
TAHSIL AMARPATAN, DISTT. SATNA (MADHYA
PRADESH)**
14. **KRISHN KUMAR SHUKLA S/O LATE ONKAR
PRASAD SHUKLA OCCUPATION: CULTIVATION
R/O VILLAGE VIDHUL KHURD, P.O. RAMGARH,
TAHSIL AMARPATAN, DISTT. SATNA (MADHYA
PRADESH)**
15. **BADRI PRASAD SHUKLA S/O LATE ONKAR
PRASAD SHUKLA OCCUPATION: CULTIVATION
R/O VILLAGE VIDHUL KHURD, P.O. RAMGARH,
TAHSIL AMARPATAN, DISTT. SATNA (MADHYA
PRADESH)**

PRADESH)

16. VISHWAMBHAR PRASAD SHUKLA S/O LATE
BALDEO PRASAD SHUKLA OCCUPATION:
CULTIVATION R/O VILLAGE VIDHUL KHURD,
P.O. RAMGARH, TAHSIL AMARPATAN, DISTT.
SATNA (MADHYA PRADESH)

.....RESPONDENTS

(SHRI AMIT SETH - DEPUTY ADVOCATE GENERAL FOR THE
RESPONDENT NOS. 1, 2, 3 AND 5 AND SHRI R.K. TRIPATHI -
ADVOCATE FOR THE RESPONDENT NO.4)

.....
*This petition coming on for admission this day, Hon'ble Shri Justice
Ravi Malimath, Chief Justice passed the following:*

ORDER

This petition is said to be filed in public interest seeking the following
reliefs:

*"(i) That, this Hon'ble Court may be pleased to vacate
stay order passed in M.P.No.284 of 2020 by directing to
complete construction of boundary wall on land of
Wazib-Ul-Urz.*

*(ii) That, this Hon'ble Court may kindly be pleased to
direct the private respondents not to interfere in
construction work.*

*(iii) Any other order/orders that this Hon'ble Court
deems fit and proper in the facts and circumstances of
the case may also kindly be passed."*

The facts of the case are that a Miscellaneous Petition No.284 of 2020 was filed challenging the order dated 28.06.2018 passed by the Commissioner, Rewa. The matter is still pending. That I.A.No.3520 of 2022 was filed by the writ petitioner herein seeking permission to intervene in the said petition on the ground that he is a social worker and is espousing the cause of poor citizens. The same was opposed by the petitioners therein on the ground that this is an effort to settle score at the instance of the proposed intervener himself,

inasmuch as, a civil suit was filed by the proposed intervener against the present petitioners. Therefore, the petitioners submitted that the proposed intervener is not a necessary party for adjudication of the miscellaneous petition and moreover he has not approached the Court with clean hands. He has suppressed the fact of the civil dispute between him and the petitioners. On considering the contentions, the application for intervention was dismissed. Thereafter, this instant public interest litigation is filed on various grounds.

A question was asked to learned counsel for the petitioner that when the application for intervention has been rejected, how a backdoor method can be used by misusing the provisions of public interest in filing this petition. We do not find any satisfactory answer except a plea that he is espousing the cause of the public. If that were to be so, the Court which has dismissed the application would have necessarily considered the same. The Court has considered and found him as not being a necessary party. It is impermissible for the petitioner to route his grievances through a public interest litigation. Every such petition filed with a nomenclature of public interest is not necessarily a public interest litigation. The objection of the writ petitioners is that there is civil dispute between them and the petitioner herein. Hence, for all these grounds, we have no hesitation to say that the provisions of public interest litigation have been misused by the petitioner.

Under these circumstances, the petition is dismissed by imposing a cost of Rs.25,000/- on the petitioner to be paid with the Registry within a period of one week from today.

Call next week to report compliance.

(RAVI MALIMATH)
CHIEF JUSTICE

(VISHAL MISHRA)
JUDGE

sj

