



W.P.(C)No. 28667 of 2024

-:1:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 26TH DAY OF AUGUST 2025 / 4TH BHADRA, 1947

WP(C) NO. 28667 OF 2024

PETITIONER:

RENJITH KRISHNAN R.
AGED 31 YEARS, S/O. RADHAKRISHNAN NAIR, MANATHANAM
VADAKKEKOOTTACHIRA HOUSE, THYCATTUSSERY P. O,
CHERTHALA, ALAPPUZHA, PIN - 688528

BY ADVS.
SRI.SREEKANTH S.NAIR
SHRI.SANDEEP P JOHNSON

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 REVENUE DIVISIONAL OFFICER
O/O. REVENUE DIVISIONAL OFFICER,
ALAPPUZHA, PIN - 688013
- 3 TAHASIDAR (LAND RECORD)
CHERTHALA TALUK RECORD, CHERTHALA
ALAPPUZHA, PIN - 688524
- 4 VILLAGE OFFICER
THANNERMUKKOM NORTH VILLAGE OFFICE, CHERTHALA,
ALAPPUZHA, PIN - 688527



W.P.(C)No. 28667 of 2024

--2:--

- 5 **STATION HOUSE OFFICER
MUHAMMA POLICE STATION, MUHAMMA P.O,
ALAPPUZHA, PIN - 688525**

- 6 **BIJU @ CHAKO JOSEPH
S/O. JOSEPH PANAGHADTHARAYIL, THANEERMUKKOM P. O,
THANEERMUKKOM VADAKU VILLAGE, CHERTHALA TALUK,
ALAPPUZHA, PIN - 688527**

- 7 **ANILKUMAR
S/O. SURENDRAN CHEERAN KUNNEL VEETIL,
CHERTHALA SOUTH P. O, CHERTHALA TALUK,
ALAPPUZHA, PIN - 688539**

**BY ADVS.
SRI.S. RENJITH-SPL.GP
SHRI.B.PRAMOD
SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SHRI.ATHUL M.V.
SHRI.AJAY S. KOSHY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12.08.2025, THE COURT ON 26.08.2025 DELIVERED THE FOLLOWING:**



“C.R.”

JUDGMENTDated this the 26th day of August, 2025**Nitin Jamdar, C.J.**

The Petitioner seeks action against two individuals, Respondent Nos. 6 and 7. The Petitioner also seeks a direction to the statutory Authorities to conduct an enquiry in respect of the property comprised in Re-survey No. 302/2 in Block No. 24 in Thanneermukkam Vadakku Village, which, according to the Petitioner, is a wetland, and Respondent No. 6 is filling it up contrary to the Kerala Conservation of Paddy Land and Wetland Act, 2008.

2. In the Petition, all that the Petitioner discloses about himself is that he is a citizen of India and permanently residing at the address given in the petition. The Petitioner states on oath that he has no personal or private interest in the matter. Respondent No. 7 has filed an affidavit raising a serious grievance that the Petitioner has a personal grudge against Respondent Nos. 6 and 7, which he masquerades as public interest. Respondent No. 7 asserts that the Petitioner is a real estate broker who brokered the sale of the very same property by Respondent No. 6 to Respondent No. 7, and he received ₹50,000/- from Respondent No. 6. Respondent No. 7 also paid him ₹15,000/-. The Petitioner started demanding more money from Respondent Nos. 6 and 7, and since they refused, he resorted to file this petition. Respondent No. 7 has denied any illegal activities and has stated that the stop memo issued by Respondent No. 4 was challenged by Respondent No. 6, and that the operation of the



said memo was stayed in W.P.(C) No.8020 of 2023 by the learned Single Judge on 17 March 2023, a fact that has also been suppressed by the Petitioner. A memo has been filed by the Government Pleader annexing the report of the Inspector of Police, which states that, as per the enquiry conducted, there are several civil cases pending against the Petitioner and a warrant is pending in a criminal case. The Petitioner states that there is no criminal case pending, and some of them are only proceedings under Section 138 of the Negotiable Instruments Act, 1881.

3. We have examined the record, including the documentary evidence regarding the transfer of money to the Petitioner placed on record by Respondent No. 7. The Petitioner has suppressed the fact that he was a broker between Respondent Nos. 6 and 7 for the transaction and has received remuneration for the sale of the same property. The case of Respondent No. 7 that the Petitioner filed this petition only when his demand for more money was not met, has to be believed. Further, the pendency of W.P.(C) No.8020 of 2023, challenging the stop memo issued to Respondent No. 6, and the interim order of the learned Single Judge dated 17 March 2023 are also not disclosed. This Petition thus, is a clear instance of misuse of the Public Interest Litigation jurisdiction, where proceedings have been initiated to pursue personal motive under the guise of public interest.

4. No person can claim, as of right, that he has to be treated as a public interest litigant. To maintain the purity of this jurisdiction, the Court has



to satisfy itself regarding the credentials of the petitioner and guard against its misuse for oblique motives. Rigorous scrutiny and deterrent action are, therefore, required to ensure that unscrupulous elements do not sully the Court process. This warning has been sounded and reiterated by the Hon'ble Supreme Court in various decisions. In the case of *Ashok Kumar Pandey v. State of West Bengal*¹, the Hon'ble Supreme Court, after taking note of the malady of abuse of PIL jurisdiction, observed as under:

“14. The court has to be satisfied about: (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; and (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests: (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The court has to act ruthlessly while dealing with imposters and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.

15. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the

1 (2004) 3 SCC 349



social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. (See State of Maharashtra v. Prabhu [(1994) 2 SCC 481] and A.P. State Financial Corpn. v. Gar Re-Rolling Mills. [(1994) 2 SCC 647]. No litigant has a right to unlimited draught on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions. [See Buddhi Kota Subbarao (Dr) v. K. Parasaran. [(1996) 5 SCC 530]. Today people rush to courts to file cases in profusion under this attractive name of public interest. They must inspire confidence in courts and among the public.

16. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where even a minuscule percentage can legitimately be called public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in Duryodhan Sahu (Dr) v. Jitendra Kumar Mishra [(1998) 7 SCC 273], this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on



the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the courts should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforestated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.

18. In Gupta case [1981 Supp SCC 87] it was emphatically pointed out that the relaxation of the rule of locus standi in the field of PIL does not give any right to a busybody or meddlesome interloper to approach the court under the guise of a public interest litigant. It has also left the following note of caution: (SCC p. 219, para 24)

“24. But we must be careful to see that the member of the public, who approaches the court in cases of this kind, is acting bona fide and not for personal gain or private profit or political motivation or other oblique consideration. The court must not allow its process to be abused by politicians and others to delay legitimate administrative action or to gain a political objective.”

19. In State of H.P. v. A Parent of a Student of Medical College [(1985) 3 SCC 169], it has been said that public interest litigation is a weapon which has to be used with great care and circumspection.

20. Khalid, J. in his separate supplementing judgment in Sachidanand Pandey v. State of W.B. [(1987) 2 SCC 295] (SCC at p. 331) said:

“Today public-spirited litigants rush to courts to file cases in profusion under this attractive name. They must inspire confidence in courts and



*among the public. They must be above suspicion.
(SCC p. 331, para 46)*

* * *

Public interest litigation has now come to stay. But one is led to think that it poses a threat to courts and public alike. Such cases are now filed without any rhyme or reason. It is, therefore, necessary to lay down clear guidelines and to outline the correct parameters for entertainment of such petitions. If courts do not restrict the free flow of such cases in the name of public interest litigations, the traditional litigation will suffer and the courts of law, instead of dispensing justice, will have to take upon themselves administrative and executive functions. (SCC p. 334, para 59)

* * *

I will be second to none in extending help when such help is required. But this does not mean that the doors of this Court are always open for anyone to walk in. It is necessary to have some self-imposed restraint on public interest litigants. (SCC p. 335, para 61)”

XXXXX

XXXXX

26. In Subhash Kumar v. State of Bihar [(1991) 1 SCC 598], it was observed as follows: (SCC pp. 604-05, para 7)

“Public interest litigation cannot be invoked by a person or body of persons to satisfy his or its personal grudge and enmity. If such petitions under Article 32 are entertained, it would amount to abuse of process of the court, preventing speedy remedy to other genuine petitioners from this Court. Personal interest cannot be enforced through the process of



this Court under Article 32 of the Constitution in the garb of a public interest litigation. Public interest litigation contemplates legal proceeding for vindication or enforcement of fundamental rights of a group of persons or community which are not able to enforce their fundamental rights on account of their incapacity, poverty or ignorance of law. A person invoking the jurisdiction of this Court under Article 32 must approach this Court for the vindication of the fundamental rights of affected persons and not for the purpose of vindication of his personal grudge or enmity. It is the duty of this Court to discourage such petitions and to ensure that the course of justice is not obstructed or polluted by unscrupulous litigants by invoking the extraordinary jurisdiction of this Court for personal matters under the garb of the public interest litigation.”

(emphasis supplied)

5. In the case of *Dattaraj Nathuji Thaware v. State of Maharashtra and Others*², the Hon’ble Supreme Court expressed anguish on the misuse of the forum of the Court under the garb of public interest litigation and observed as under:

“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 court must not allow its process to be abused for oblique considerations”

(emphasis supplied)



6. In the case of *Kalyaneshwari v. Union of India and Others*³, the Hon'ble Supreme Court observed as under:

“39. Every litigant, who approaches the Court, owes a duty to approach the Court with clean hands and disclose complete facts. A petition which lacks bona fides and is intended to settle business rivalry or is aimed at taking over of a company or augmenting the business of another interested company at the cost of closing business of other units in the garb of PIL would be nothing but abuse of the process of law.

41. In *Ashok Kumar Pandey v. State of W.B.* [(2004) 3 SCC 349], this Court took a cautious approach while entertaining public interest litigations and held that public interest litigation is a weapon, which has to be used with great care and circumspection. The judiciary has to be extremely careful to see that no ugly private malice, vested interest and/or seeking publicity lurks behind the beautiful veil of public interest. 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.

42. In *Rajiv Ranjan Singh ‘Lalan’ (8) v. Union of India* [(2006) 6 SCC 613], this Court reiterated the principle and even held that howsoever genuine a case brought before a court by a public interest litigant may be, the court has to decline its examination at the behest of a person who, in fact, is not a public interest litigant and whose bona fides and credentials are in doubt; no trust can be placed by the court on a mala fide applicant in a public interest litigation.

43. The courts, while exercising jurisdiction and deciding a public interest litigation, have to take great care, primarily, for

3 (2011) 3 SCC 287



the reason that wide jurisdiction should not become a source of abuse of process of law by the disgruntled litigant. Such careful exercise is also necessary to ensure that the litigation is genuine, not motivated by extraneous considerations and imposes an obligation upon the litigant to disclose true facts and approach the Court with clean hands. Thus, it is imperative that the petitions, which are bona fide and in public interest alone, be entertained in this category. Abuse of process of law is essentially opposed to any public interest. One who abuses the process of law, cannot be said to serve any public interest, much less, a larger public interest. In the name of the poor let the rich litigant not achieve their end of becoming richer by instituting such set of petitions to ban such activities.

44. Besides the fact that the present petition lacks bona fides, it is also obvious that the petitioner though had prayed for complete ban on all mining and manufacturing activities but had hardly made any study or prepared statistical data in that regard. It only made reference to certain studies in foreign countries. The petitioner, claiming to be an organisation involved in the good of the common man, ought to have taken greater pains to state essential facts supported by documents in relation to Indian environment.

(emphasis supplied)

7. The Hon'ble Supreme Court in the case of *State of Uttaranchal v. Balwant Singh Chaufal*⁴, in the year 2010, has laid down certain guidelines and emphasised the need for properly formulated rules, observing that it would be appropriate for each High Court to establish rules that encourage genuine PILs while discouraging those filed with

4 (2010) 3 SCC 402



oblique motives. The guidelines laid down are 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.

(emphasis supplied)

Thus, one way to ensure that PIL jurisdiction is invoked properly is by having appropriate rules and regulations in place. The Rules of the High Court of Kerala, 1971 (Rules of 1971) regulate the filing of Public Interest Litigations. The Hon'ble Supreme Court has emphasised that petitions filed for ulterior motives have to be discouraged by imposing exemplary costs.

8. In practice, however, it is noticed, as in the present case, that petitioners often merely recite the language of the Rule in their affidavits by stating in one line that they have no personal interest. It is only when the Respondents point out the private interest that the Court considers dismissal or recourse to Rule 146B of the Rules of 1971. The Hon'ble Supreme Court has expressed concern that Courts, being unmindful of a litigant's true intention, often spend valuable judicial time that could otherwise be devoted to genuine cases, and that such petitions should be disposed of at the threshold. Keeping this principle in mind, we have



been directing the petitioners to file additional affidavits disclosing full credentials, background, and other relevant particulars. However, it would be appropriate if the full credentials of the petitioners are disclosed by way of a detailed affidavit at the time of filing of the petition. Also, many PILs filed to address social issues contain no particulars, offering no substantial assistance to the Court. Petitions are often filed on complex technical matters where the petitioners have no expertise. Such poorly presented petitions are detrimental to the very cause they seek to espouse. Judicial time is not infinite and cannot be squandered by such petitions. In our view, the present Rules of 1971 may require a mandate to elaborate on the disclosures to be made in the affidavit accompanying a PIL from which the status of the public interest litigant can be ascertained at the threshold.

9. In the case at hand, the Petitioner has abused the process of law and has suppressed his personal interest in the matter. A stop memo was issued to Respondent No. 6, and it is now the subject matter of challenge in W.P.(C) No.8020 of 2023, and an interim order is granted by the learned Single Judge on 17 March 2023. It is, therefore, necessary not only to dismiss the petition, but also to follow the regime under Rule 146B of the Rules of 1971, and impose costs upon the Petitioner. The object of Rule 146B is not to stifle genuine Public Interest Litigations, but to prevent the abuse of this jurisdiction by unscrupulous petitioners. It is to keep this jurisdiction robust that such petitioners have to be strictly dealt with.



W.P.(C)No. 28667 of 2024

-:15:-

10. The Writ Petition is dismissed with costs of ₹25,000/-. The Petitioner is directed to pay the sum of ₹25,000/- to the Legal Aid Fund under the Kerala State Legal Services Authority within a period of eight weeks and file a receipt of payment in the Registry.

11. If the amount is not so deposited by the Petitioner, upon informing so by the Registry, the District Collector, Alappuzha, will recover the same as arrears of land revenue from the Petitioner and deposit the same in the Legal Aid Fund of the High Court Legal Services Committee and place a report to the Registry for the purpose of record.

Sd/-

Nitin Jamdar,
Chief Justice

Sd/-

Basant Balaji,
Judge

vpv & krj

**APPENDIX OF WP(C) 28667/2024****PETITIONER EXHIBITS**

Exhibit P1	TRUE COPY OF INJUNCTION ORDER DATED 07.02.2023 ISSUED BY THE 4TH RESPONDENT TO THE 6TH RESPONDENT.
Exhibit P1 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P1.
Exhibit P2	TRUE COPY OF RIGHT TO INFORMATION APPLICATION DATED 31.01.2024 SUBMITTED BEFORE THE 4TH RESPONDENT ALONG WITH RECEIPT AND ACKNOWLEDGE CARD.
Exhibit P2 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P2.
Exhibit P3	TRUE COPY OF RIGHT TO INFORMATION APPLICATION DATED 31.01.2024 SUBMITTED BEFORE THE 5TH RESPONDENT ALONG WITH RECEIPT AND ACKNOWLEDGE CARD.
Exhibit P3 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P3.
Exhibit P4	TRUE COPY OF THE REPLY DATED 14.02.2024 ISSUED BY 4TH RESPONDENT TO THE PETITIONER.
Exhibit P4 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P4
Exhibit P5	TRUE COPY OF THE REPLY DATED 28.02.2024 ISSUED BY 5TH RESPONDENT TO THE PETITIONER.
Exhibit P5 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P5
Exhibit P6	TRUE COPY OF RIGHT TO INFORMATION DATED 29.02.2024 SUBMITTED BEFORE THE 4TH RESPONDENT ALONG WITH ACKNOWLEDGEMENT CARD.
Exhibit P6 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P6
Exhibit P7	TRUE COPY OF REPLY DATED 12.03.2024 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
Exhibit P7 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P7
Exhibit P8	TRUE COPY OF COMPLAINT DATED 13.03.2024 WITH ACKNOWLEDGEMENT CARD SUBMITTED BEFORE THE 2ND RESPONDENT.
Exhibit P8 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P8
Exhibit P9	TRUE COPY OF RIGHT TO INFORMATION DATED 13.03.2024 SUBMITTED BEFORE THE 3TH RESPONDENT ALONG WITH ACKNOWLEDGEMENT CARD
Exhibit P9 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P9
Exhibit P10	TRUE COPY OF REPLY NOTICE DATED 27.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
Exhibit P10 (a)	TRUE ENGLISH TRANSLATION OF EXHIBIT P10.



W.P.(C)No. 28667 of 2024

--:17:-

RESPONDENT EXHIBITS

- | | |
|----------------------|--|
| Exhibit R7(a) | A true copy of the screenshot of the transaction effected vide interbank transfer showing the transfer of Rs. 50,000/- by the 6th respondent to the petitioner |
| Exhibit R7(b) | A true copy of the tax receipt dated 04.04.2024 showing payment of basic/land tax during respect of property |
| Exhibit R7(c) | A true copy of the interim order dated 17.03.2023 by the W.P.(C) No. 8020/2023 |