



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 90 of 2021
With
CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2025
In R/WRIT PETITION (PIL) NO. 90 of 2021**

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AJAY RAMESHBHAI TRIVEDI
Versus
STATE OF GUJARAT & ORS.

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Appearance (WPIL No. 90 of 2021):

DIPESH V DALAL(7366) for the Applicant(s) No. 1
G K VAGHANI(7830) for the Applicant(s) No. 1
K T BELADIYA(9101) for the Applicant(s) No. 1
MS. HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for the
Opponent(s) No. 1 to 8
MR DIGANT M POPAT(5385) for the Opponent(s) No. 12
MR. R.S.SANJANWALA, SR. ADV. WITH MR. AADIT R
SANJANWALA(9918) for the Opponent(s) No. 10,11
MR. MAULIK NANAVATI FOR NANAVATI & CO.(7105) for the Opponent(s)
No. 9

Appearance (CA No. 1 of 2025):

Mr. R. Sanjanwala, Sr. Adv. With Mr. Adit R. Sanjanwala, Adv., for the
Applicants.

Ms.Hetal Patel, AGP for respondent Nos. 2 to 8.

Mr. Maulik G. Nanavati, Adv. For R-10.

Mr. Dipesh V. Dalal, Adv. With Mr. G.K.Vaghani, Adv. For respondent No.1.

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI**

Date : 02/05/2025

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

The present Public Interest Litigation has been filed in the



month of July, 2021 with the following reliefs :

“(A) The Hon’ble Court may be pleased to issue appropriate writ, order or direction, directing the respondent authorities to forthwith remove/demolish the illegal and unauthorised construction put up by respondent Nos. 10 and 11 on land bearing Block No. 187, 225, 226 and 227 of Village Kansad, Taluka Choryasi, District Surat, more particularly situated near the Jail premises of respondent No.7 as being in breach of terms and conditions of order dated 7.8.2010 made by respondent no.2 Collector r/w the affidavit-cum-undertaking dated 1.11.2020, in pursuance to various representations made by the petitioner and respondent no.7 authority, in the interest of justice;

(B) Pending the disposal of the Public Interest Litigation, this Hon’ble Court may be pleased to direct the respondent authorities to produce before this Hon’ble Court the Action Taken Report in pursuance to various representations made by the petitioner and respondent no.7 authority, in the interest of justice;

(C) The Hon’ble Court may be pleased to issue appropriate writ, order or direction, directing the any higher investigation agency to investigate this huge corruption scandal done by the SUDA officers and the developer/builder of the said society, in the interest of justice;

(D) The Hon’ble Court may be pleased to grant such other and further reliefs as may be deemed fit and proper by this Hon’ble Court, in the interest of justice.”

2. The petitioner claims to be the local resident of the Surat City and is engaged in textile handwork business on contractual basis. The petitioner claims to be the whistle blower, who has exposed many corruption scandals in the past. It is stated in the writ petition that the petitioner is raising a concern with respect to the illegal and unauthorized construction put up by the respondent No.10 society, more particular near the jail premises, namely Lajpore Central Jail, Surat. It is further stated that the petitioner has never faced any contempt proceedings nor any adverse comments or cost has ever



been imposed against the petitioner. A further statement is that the petitioner is filling the present petition purely in the interest of the public, on his own and not at the instance of any person or organization and all the costs of the litigation, including the advocate's fee, are being borne by the petitioner.

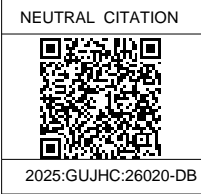
3. Taking note of all the statements made in the writ petition with regard to the credentials of the petitioner, we may also note that the petitioner claims to be the RTI activist, and states that in spite of having made several representations about the illegal constructions before the authorities concerned, when nothing was done, he was constrained to file the present writ petition with the reliefs as noted hereinabove.

4. Mr. R.S.Sanjanwala, the learned senior advocate assisted by Mr. Adit Sanjanwala, the learned advocate appearing for the respondent Nos. 10 and 11 has drawn attention of the Court to the Civil Application No.1 of 2025 filed by the said respondents disclosing the facts assailing the *bona fide* of the petitioner to file the present PIL. By order dated 25.04.2025, on the request made by Mr. G.K.Vaghani, the learned advocate appearing for the petitioner, we granted time to file reply to the contents of the Civil Application.

5. Having perused the contents of the Civil Application and the reply of the petitioner to the Civil Application filed by the respondent Nos. 10 and 11, pertinent is to note that a categorical



statement has been made by the respondent Nos. 10 and 11/the applicants in the Civil Application that all allegations made by the petitioner in the writ petition regarding illegalities in the constructions are wholly motivated. To assail the *bona fide* of the petitioner, it is brought on record that the petitioner namely Ajay Rameshbhai Trivedi has been involved in a blackmailing scandal in District Surat to extort money and the First Information Report bearing No.11210015250035 dated 01.02.2025 has been registered against him by DCB Police Station, Surat City under sections 308(5), 308(7) and 54 of the Bharatiya Nagrik Sanhita. The FIR records that the petitioner had blackmailed one Mahendrakumar Dhirajlal Patel to pay rupees five crores failing which a complaint would be made against him in relation to discharge of the chemicals by the companies owned by him so that the said companies were closed by the GPCB. The FIR records that the sting operation was conducted by the police authorities based on the complaint of Mahendrakumar Dhirajlal Patel and in the sting operation, the petitioner Ajay Rameshbhai Trivedi was caught red handed taking extortion money of Rs.45 lakhs. The said money has been recovered by the police authorities as muddamal. The bail application filed by the petitioner, namely Ajay Rameshbhai Trivedi, has been rejected by the Chief Judicial Magistrate, Surat. The documents in support of the said assertions are appended with the Civil Application. Mr. Sanjanwala, the learned senior advocate appearing for the respondent Nos. 10 and 11 relying upon the said documents on record would submit that the petitioner namely Ajay Rameshbhai Trivedi by no angle can be said to be a public spirited



litigant and the instant PIL filed by him is to espouse his personal agenda of blackmailing and extorting money by exerting threats.

6. Attention of the Court is invited to the decisions of the Apex Court holding that the public interest litigation is to be used as an effective weapon in the armory of law for delivering social justice to the citizens, but its use has to be with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of the public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It was argued that where it is shown that a petition styled as public interest litigation is camouflage to foster personal dispute or filed by unscrupulous person for ulterior motives, the said petition is to be thrown out at the inception. A person acting *bona fide* and having sufficient interest in the proceedings of public interest litigation, will alone have a *locus standi* and can approach the court to wipe out violation of fundamental rights and genuine infractions of statutory provisions, but not for personal gain or private profit or political motive or for any oblique consideration.

7. We may further note that in reply filed on behalf of the petitioner namely Ajay Rameshbhai Trivedi, it is admitted that the petitioner is in judicial custody at Lajpore Sub-Jail, Surat. The personal affidavit of Ajay Rameshbhai Trivedi identified before the Jailer, Lajpor Central Prison, Surat states that the First Information Report registered against him by another individual on 01.02.2025 has nothing to do with the present proceedings. The learned



counsel for the petitioner, however, agitated that the writ petition has been instituted to address the unauthorized construction undertaken by the respondent No.10 society in close proximity to the jail premises, which posed significant and imminent threat to the public safety and security. The society is guilty of using false documents as true before the competent authority to avail the development permission. The contention is that with the fact that the petitioner has been lodged in judicial custody on account of some complaint of third person, wherein guilt of the petitioner is to be established upon a final adjudication by the competent court of law, the cause shown for filling the present PIL remains unaffected. The *locus standi* of the petitioner to maintain the petition raising the issue of unauthorized construction made by the respondent No.10 society, cannot be questioned.

8. Taking note of the above submissions made by the learned counsel for the petitioner, in order to ascertain that the petitioner be permitted to maintain the PIL ignoring the allegations made against him, we are required to discuss the law laid down by the Apex Court pertaining to the scope and maintainability of the Public Interest Litigation. In **Ashok Kumar Pandey vs. State of W.B. [(2004) 3 SCC 349]**, the Apex Court was dealing with the question of *locus standi* of the petitioner therein to present the petition in public interest and that whether the public interest litigation filed under Article 32 of the Constitution was a genuine public interest litigation. While holding that the person acting *bona fide* and having sufficient interest in the proceedings of public interest



litigation, will alone have a *locus standi* and can approach the Court to raise any issue of violation of the fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration, the Apex Court has elaborately discussed the legal forum developed as 'public interest litigation'. The expression 'public interest litigation' defined in Strouds Judicial Dictionary and the Black's Law Dictionary was noted in paragraph No. 5 and 6 as under :-

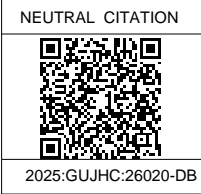
“5. It is necessary to take note of the meaning of expression 'public interest litigation'. In Strouds Judicial Dictionary, Volume 4 (IV Edition), 'Public Interest' is defined thus:

"Public Interest (1) a matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected."

6. In Black's Law Dictionary (Sixth Edition), "public interest" is defined as follows :

"Public Interest-Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. It does not mean anything so narrow as mere curiosity, or as the interests of the particulars localities, which may be affected by the matters in question. Interest shared by citizens generally in affairs of local, State or national Government."

9. It was noted that in **Janata Dal vs. H.S.Chowdhary [(1992) 4 SCC 305]**, the Apex Court considered the scope of the public



interest litigation and it was held :-

“The expression ‘PIL’ means a legal action initiated in a court of law for the enforcement of public interest or general interest in which the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.”

10. The Apex Court has further emphasized therein that the requirement of *locus standi* of a party to a litigation, is mandatory, because the legal capacity of the party to any litigation where in private or public action in relation to any specific remedy sought for has to be primarily ascertained at the threshold. A word of caution has further been added by stating that in this newly developed doctrine of ‘Public Interest Litigation’ a note of severe warning and a red-alert is sounded in a chain of notable decisions with all emphasis that the Courts should not allow its process to be abused by a mere busybody or a meddlesome interloper or wayfarer or officious intervened without any interest or concern except for personal gain or private profit or other oblique considerations. It was further held in paragraph No. 109 in **Janata Dal (supra)**, as quoted in paragraph No.10 of **Ashok Kumar Pandey (supra)**, as under :

"10. In subsequent paras of the said judgment, it was observed as follows :

109. It is thus clear that only a person acting bona fide and having sufficient interest in the proceeding of PIL will alone have as locus standi and can approach the Court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or



private profit or political motive or any oblique consideration. Similarly a vexatious petition under the colour of PIL, brought before the Court for vindicating any personal grievance, deserves rejection at the threshold".

11. Further observations made by the Apex Court in paragraph No. 11, 12 and 13 are relevant to be extracted hereinunder :-

“11. It is depressing to note that on account of such trumpety proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death and facing the gallows under untold agony, persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters — government or private, persons awaiting the disposal of cases wherein huge amounts of public revenue or unauthorized collection of tax amounts are locked up, detenus expecting their release from the detention orders etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for the glare of publicity break the queue muffling their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the court never moves, which piquant situation creates frustration in the minds of genuine litigants and resultantly, they lose faith in the administration of our judicial system.



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 publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or a 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 consideration. The court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. 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.

13. The Council for Public Interest Law set up by the Ford Foundation in USA defined “public interest litigation” in its Report of Public Interest Law, USA, 1976 as follows:

“Public interest law is the name that has recently been given to efforts that provide legal representation to previously unrepresented groups and interests. Such efforts have been undertaken in the recognition that ordinary marketplace for legal services fails to provide such services to significant segments of the population and to significant interests. Such groups and interests include the proper environmentalists, consumers, racial and ethnic minorities and others.”

12. Having said that the Apex Court has emphasized that the 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 veil of public interest an ugly private



malice, vested interest and/or publicity seeking is not lurking. It was, thus, held that the Court must not allow its process to be abused for oblique consideration and such petitions of such busybodies deserve to be thrown out by rejection at the threshold with exemplary cost.

13. It was further directed that 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; (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.

14. The further observations in paragraph Nos. 15 and 16 of the decision are also relevant to be extracted hereinbelow :-

“15. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the 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 : 1994 SCC (L&S) 676 : (1994) 27 ATC 116] and *A.P. State Financial Corpn. v. Gar Re-Rolling Mills* [(1994) 2 SCC 647 : AIR 1994 SC 2151] .) 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 : 1996 SCC (Cri) 1038 : JT (1996) 7 SC 265] .] 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 : 1998 SCC (L&S) 1802 : AIR 1999 SC 114] 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 aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.”

15. In the context of the *locus standi* in the field of Public Interest Litigation, the Apex Court has clearly stated that relaxation of the Rule of *locus standi* in the field of Public Interest Litigation does not give any right to busybody or meddlesome interloper to approach the Court under the guise of a public interest litigation.

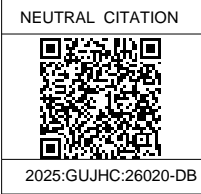


The Court must be careful to see that the member of the public who approaches the Courts is acting *bona fide* and not for personal gain or private profit or other oblique considerations. The court must not allow its process to be abused by anyone for such objectives. The decision in **Jasbhai Motibhai Desai vs. Roshan Kumar [(1976) 1 SCC 671]** was noted in the context of *locus standi* to apply for writ of certiorari, wherein it was held that the petitions of the busybodies should be rejected at the threshold. Para 22 of the decision of the Apex Court in **Ashok Kumar Pandey (supra)** is extracted hereinunder :-

“22. Sarkaria, J. in *Jasbhai Motibhai Desai v. Roshan Kumar [(1976) 1 SCC 671]* expressed his view that the application of a busybody should be rejected at the threshold in the following terms : (SCC p. 683, para 37)

“37. It will be seen that in the context of *locus standi* to apply for a writ of certiorari, an applicant may ordinarily fall in any of these categories : (i) ‘person aggrieved’; (ii) ‘stranger’; (iii) busybody or meddlesome interloper. Persons in the last category are easily distinguishable from those coming under the first two categories. Such persons interfere in things which do not concern them. They masquerade as crusaders for 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. They indulge in the pastime of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity; while the ulterior intent of some applicants in this category, may be no more than spoking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold.”

16. The caution reiterated by the Apex Court in **Ashok Kumar Pandey (supra)** in entertaining the public interest litigation, as noted in paragraph No.27, is a reminder of the stated law as to how the Court should act in a matter of entertaining the Public Interest



Litigation filed by the busybodies or by the petitioner with a real intention of personal gain or for oblique motive:-

“27.In the words of Bhagwati, J. (as he then was) “the courts must be careful in entertaining public interest litigations” or in the words of Sarkaria, J. “the applications of the busybodies should be rejected at the threshold itself” and as Krishna Iyer, J. has pointed out, “the doors of the courts should not be ajar for such vexatious litigants”.”.

17. We may also take note of the decision of the Apex Court in **Dattaraj Nathuji Thaware vs. State of Maharashtra and Others [(2005) 1 SCC 590]** wherein the writ petitioner was a lawyer, who filed the public interest litigation raising allegations of unauthorised constructions, whereas the petitioner had himself resorted to blackmailing the respondents and was caught red handed accepting blackmailing money. The Apex Court has noted the aspects highlighted in **Ashok Kumar Pandey (supra)** therein.

18. Considering the facts of the present case, wherein the petitioner who claims to be a businessman in the original petition and has projected himself a public spirited person, has been caught red-handed for blackmailing another business man in the Surat city in order to extort money. The petitioner was caught red-handed in a sting operation while taking extortion money of Rs.45 Lakhs from the complainant businessman. When such is the conduct of the petitioner, the fact that the sting operation was conducted pursuant to the complaint of another businessman or the allegations against the petitioner as alleged in the First Information Report are yet to

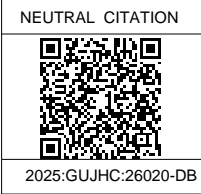


be proved, will not be a reason to permit the petitioner to maintain the present petition. The first and foremost question which the petitioner has to establish and the Court has to ascertain in a public interest litigation is “credentials of the petitioner”.

19. From the facts brought on record by the respondent Nos. 10 and 11, against whom the complaint is made in the petition, it is evident that the petitioner is blackmailing and is trying to extort money from the businessmen of the Surat city by creating fear in their mind that if they do not shell money, he would make a complaint of violation of one or the other laws. The present public interest litigation seems to have been filed with ulterior motive for personal gain by making allegations of illegal constructions against the respondent society. The fact that the petitioner’s credentials are found to be highly doubtful, the submissions of the learned counsel for the petitioner on the question of *locus standi* of the present petitioner to maintain the petition for making an inquiry into the nature of constructions raised by the respondent society are liable to be rejected.

20. The fact that the petitioner has been caught in one case of blackmailing in a sting operation, is sufficient to show him the exit doors of the Court, inasmuch as such an unscrupulous person cannot be permitted to misuse the process of this Court.

21. In view of the above discussion, the present petition filed in the nature of public interest litigation is liable to be dismissed



outrightly with the exemplary cost of Rs. 20,00,000/- (20 Lakhs), which shall be deposited by the petitioner within a period of two months from today. We order accordingly. The amount so deposited shall be transmitted to the Gujarat State Legal Services Authority and shall be spent in the welfare project for orphan children.

22. We further provide as an abundant caution, that any other writ petition, if filed in the name of the petitioner, namely Ajay Rameshbhai Trivedi, in the nature of public interest litigation pertaining to the District Surat, in future, shall be placed before the Registrar (Judicial) for scrutiny and no such petition shall be entertained by the registry at the instance of the said person. The Registrar (Judicial) is also directed to make a further inquiry as to whether any other writ petition in the nature of Public Interest Litigation filed by the present petitioner is pending and if so, the same shall be listed before this Court at the earliest.

23. With the above directions, the writ petition is dismissed with the cost stated above. The Civil Application stands allowed.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

C.M. JOSHI