



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1627 OF 2025

Shri Kishor S/o. Jairam Chakole,
Aged about 58 years., Occ.- Social Activist,
R/o. Plot No. 136, Ayurvedic
Layout, Umred Road,
Sakkardara, Nagpur-440009

....**PETITIONER**

....**VERSUS**....

1) The Western Coalfields Ltd.
Through its Chairman Cum Managing Director
Futala Road, Coal Estates, Civil Lines,
Nagpur - 440001

2) The Western Coalfields Ltd.
Through its Deputy General Manager (P/IR),
Futala Road, Coal Estates, Civil Lines,
Nagpur - 440001

3) Union of India
Through its Secretary,
For Ministry of Coal,
Shastri Bhavan, New Delhi - 110001.

....**RESPONDENTS**

Shri K.J.Chakole, Petitioner-in-Person.
Ms. Gauri Venkatraman, Advocate for respondent nos. 1 and 2.
Shri S.A.Chaudhari, Advocate for respondent no. 3.

CORAM : **ANIL S. KILOR AND**
 RAJNISH R. VYAS, JJ.

DATE OF RESERVING THE JUDGMENT: **16/09/2025**

DATE OF PRONOUNCING THE JUDGMENT : **06/10/2025**

JUDGMENT (PER: RAJNISH R. VYAS, J.)

Rule.

2. Rule made returnable forthwith.

3. Heard finally by consent of the petitioner-in-person and Ms. Gauri Venkatraman, learned counsel for respondent nos. 1 and 2.

4. The issue involved in this petition is, whether the respondent(s) can declare the petitioner as “*persona-non-grata*” and consequently, can issue the order restraining the petitioner to enter into the premises of Western Coalfields Limited Headquarters, Nagpur and in all its Areas/establishments for a period of three years.

5. It is the case of the petitioner that, earlier, he was working with the respondent(s), but his services came to be terminated in the year 2004. He is a social activist and used to file various complaints for the employees and other aggrieved

persons with and against the officials of the respondent(s) and made an attempt to redress the grievance of the people. Accordingly, from time to time, he visited the offices of the respondent(s) for redressal of grievances and helped the aggrieved persons.

6. The respondent(s) vide order dated 07/10/2024 declared the petitioner as "*persona-non-grata*", since many complaints submitted by the petitioner were verified, it was found to be baseless. Writing baseless complaints, according to the respondent(s), with intentional act were to malign the image of the top officials of the WCL. The respondent(s) advanced a reason that, the entry of the petitioner into the Public Sector Office is viewed with an intent of threat to the security of their establishment and that, despite repeated attempts to make the petitioner understand the gravity of situation; it has not lead to any fruitful results. The order further states that visit by the petitioner to the offices has been found to mislead the visitors entry protocol besides,

unauthorised visiting officials during working hours. The respondent(s) on early occasions also has/have passed similar orders but unfortunately, the behaviour of the petitioner did not change.

7. The petitioner had earlier preferred the Writ Petition No. 2741 of 2013 before this Court, since on earlier occasion, also he was declared as “*persona-non-grata*” and was not permitted to enter into the office of WCL. The said Writ Petition was decided on 03/02/2014, in which, this Court has observed that, the petitioner, being out of employment, cannot, as of right, be permitted to enter the office as relationship between parties appears to be strained. It was observed that however, if the petitioner requires any assistance, he can always file an application before the Competent Forum with suitable request. With the aforesaid clarification, the petition was disposed of.

8. According to the petitioner, the order passed by

respondent(s) on 07/10/2024 declaring him "*Persona-non-grata*" is contrary to law.

9. Per contra, Ms. Gauri Venkatraman, learned counsel for respondent nos. 1 and 2 has contended that the unnecessary visits of the petitioner to the office of respondents affects smooth functioning of the office and consequently public at large, as work is disturbed. The petitioner has been making various baseless complaints to the authorities, and his entry to the Public Sector Office is viewed with an intent of threat to the Security of establishment. Thus she contends that rightly order was passed against the petitioner who is in a habit of disturbing the smooth working of the public office.

10. We have taken into consideration rival contention, so also perused record of case.

11. The principle of "*Persona-non-grata*" literally means "an unwelcome person." In international relations,

said principle is used in diplomatic relationship and in non-diplomatic sense, declaring a person as "*Persona-non-grata*" is essentially a way of withdrawing acceptance, recognition, or entry.

12. Admittedly, the services of the petitioner were terminated by the respondents long back in the year 2004. Thus, it is clear that there is no employer-employee relationship. Since the relationship of master and servant is not in existence between the petitioner and the respondents, the petitioner cannot, as a matter of right, say that he has absolute access to the office. His entry to the office is required to be considered from the administration and the work which is done in the public office. Record of case shows that the petitioner on earlier occasions was also declared as "*Persona-non-grata*", more particularly, by way of order dated 27/10/2021. Thereafter, at request of the petitioner, same was revoked on certain terms and conditions including a

condition that he would maintain good conduct with all the officials of department of W.C.L.

13. Thereafter, due to breach of the conditions imposed, again the petitioner was declared as "*Persona-non-grata*" by the respondents but his behaviour did not change. The aforesaid fact clearly shows that the conduct of the petitioner and intention to visit the office of the respondents is not bonafide, and his entry in office is with a view to obstruct the smooth functioning of the office. It is needless to mention that the person cannot, as a matter of right, claim to have authority to harass the public officials. Recently, in the case of **Sagar Hanumanta Daunde and anr. V/s. Municipal Corporation of Greater Mumbai and anr.** reported in **2024 SCC OnLine Bom 3711**, the following relevant observations are reproduced below :-

"5) Further, we affirm that no individual has a fundamental right to harass the public officers performing lawful duty by repeatedly filing

complaints and appeals on the same subject matter or casting personal aspersions against them when dissatisfied with their responses. In our view, such threats hinder the smooth functioning of any public office. If the Circular is set aside, it would render it nearly impossible for public office staff to perform their duties without fear.

6) We do not, in any way, seek to defend public servants who fail to fulfill their duties. However, we strongly oppose any actions that hamper the work of officers and staff who are unfairly targeted with malafide intention. We find the decision in question to be conscious and well-considered. We see no reason to set it aside.

7)

8) We clarify that the authorities/officers cannot refuse to entertain fresh complaints of the Petitioners, even on the same subject matter, if made after a reasonable period or so, based on this Circular....."

14. The petitioner, claims to be an activist and visit various offices of WCL and has been found to violate the visitor's entry protocol, besides unauthorizedly visiting officials during the working hours. It is alleged that, the petitioner is writing malicious letters, levelling false allegations against the officers and management of the

respondent establishment with an intention to harass and blackmail them.

15. No doubt, petitioner has right to file complaints, pointing out the illegality, but at the same time, it cannot be forgotten that filing, frivolous complaints and repeated complaints burdens the public officers. Petitioner cannot claim that he has absolute right to visit respondent's offices. The petitioner can file complaints online, through post and also seek information by taking help of technology.

16. The right of a citizen to move freely throughout territory of India, is also required to be considered from the angle of reasonable restrictions which are recognised by the Constitution. But at the same time, the petitioner cannot be given free hand to visit the public offices which would certainly affect the public administration. Even fundamental rights guaranteed under Part III of the Constitution of India are not absolute and are subjected to reasonable restrictions.

In view of aforesaid discussion, we are of the view that no case is made out by the petitioner and therefore petition is **dismissed.**

17. Rule is discharged.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)