



2024:KER:61038

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

FRIDAY, THE 9TH DAY OF AUGUST 2024/18TH SRAVANA, 1946

W.P(C).NO.28487 OF 2024

PETITIONER(S) :

C. SHUKKUR
AGED 54 YEARS
S/O.T.C.MOHAMMED SALI, ADVOCATE, CEEYES ASSOCIATES,
HOSDURG, KANGANGAD.P.O, KASARGODE, PIN - 671315

BY ADV.SRI.ABDUL RAOOF PALLIPATH
BY ADV.SRI.E.MOHAMMED SHAFI
BY ADV.SRI.PRAJIT RATNAKARAN
BY ADV.SMT.SITHARA RAHEEM V.K.

RESPONDENT(S) :

- 1 THE STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT,
TRIVANDRUM, PIN - 695001
- 2 DIRECTOR GENERAL OF POLICE,
DGP OFFICE, KERALA POLICE HEAD QUARTERS, TRIVANDRUM,
PIN - 695010
- 3 THE DISTRICT COLLECTOR
COLLECTORATE, KALPETTA P.O, WAYANAD DISTRICT,
PIN - 673122

BY SRI.V. TEKCHAND, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 09.08.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



J U D G M E N T

Dr. A.K. Jayasankaran Nambiar, J.

This writ petition is filed by a person, who claims to be a public spirited citizen, seeking a direction to the respondents, who include the Director General of Police and the District Collector of Wayanad, to take appropriate measures to deal with funds allegedly collected by various organisations for the victims of the devastating landslide that occurred in Wayanad District ten days ago. The allegation in the writ petition is that funds are being collected by various social, political and religious organisations and canvassing done with the general public by asking them to contribute generously to specified bank accounts or 'apps' created for the purpose. The case of the petitioner is that the parallel fund collection is being pursued by the various organisations notwithstanding the steps taken by the State Government to mobilize funds from various quarters. The petitioner opines that the best remedy is to have a centralized system of collecting funds and utilising the same for rebuilding the infrastructure and towards that end, the collection drives organised by various organisations should be restricted/prohibited.

2. We have heard Sri.Abdul Raoof Pallipath, the learned counsel for the petitioner as also Sri.V. Tekchand, the learned Government Pleader for the respondents.



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3. At the very outset, we might observe that the writ petition is absolutely shorn of any details regarding any misuse by those allegedly collecting funds for the purpose of transmitting the same to the intended beneficiaries viz. the victims of the recent landslide that occurred in Wayanad District. What is produced along with the writ petition are copies of various pamphlets issued by organisations/associations of persons who are engaged in such fund collection. There is nothing to suggest that any of the funds collected pursuant to those advertisements have not reached the intended beneficiaries. More importantly, it is not the case of the petitioner that he had approached the Police or the District Administration with any representation or complaint pointing out any alleged misuse of funds by the persons allegedly collecting these funds.

4. In our view, the jurisdiction of this Court under Article 226 of the Constitution of India is not one that can be misused by persons who appear to be acting for no other reason than for obtaining cheap publicity. As observed by the Supreme Court in **Tehseen Poonawalla v. Union of India and Another - [(2018) 6 SCC 72]**, the misuse of public interest litigation is a serious matter of concern for the judicial process. Both the Supreme Court and the High Courts are flooded with litigation and are burdened by arrears. Frivolous or motivated petitions, ostensibly invoking the public interest detract from the time and attention which courts must devote to genuine causes. This court has a long list of pending cases where the personal liberty of citizens is involved. Those who await trial or the resolution of appeals against orders of conviction have a legitimate expectation of early justice. It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions



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purportedly filed in the public interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation. There is a grave danger that if this state of affairs is allowed to continue, it would seriously denude the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention. Worse still, such petitions pose a grave danger to the credibility of the judicial process. This has the propensity of endangering the credibility of other institutions and undermining public faith in democracy and the rule of law. This will happen when the agency of the court is utilised to settle extra-judicial scores. Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the rule of law. There is a danger that the judicial process will be reduced to a charade, if disputes beyond the ken of legal parameters occupy the judicial space.

5. In the instant case, we find the writ petition to be pathetically devoid of any substance much less any material that would point to a matter of public interest. The averments in the writ petition effectively question the intelligence and prudence of the common man by assuming that the general public of this State are persons, who have lost the ability to think before they act. The petitioner ought to remind himself that he purportedly represents a people who hail from the most literate State in the country. On our part, we may remind ourselves of the observations of the Supreme Court in **Vishal Tiwari v. Union of India & Ors. - [JT 2024 (1) SC 194]**



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that petitions that lack adequate research and rely on unverified and unrelated material tend to be counterproductive. This word of caution must be kept in mind by lawyers and member of civil society alike.

The Writ Petition is therefore dismissed with costs of Rs.25,000/- [Rupees Twenty five thousand only]. Taking note of the concern expressed by the petitioner in the writ petition, we direct the said costs shall be paid to the Chief Minister's Distress Relief Fund within a period of two weeks from today so that it can be utilised for the benefit of the landslide victims in Wayanad. We make it clear that if the payment is not effected within the aforesaid period of two weeks, it shall be open to the State to recover the same from the petitioner through appropriate recovery measures under the Kerala Revenue Recovery Act by treating it as an arrear of land revenue.

**Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE**

**Sd/-
SYAM KUMAR V.M.
JUDGE**

prp/9/8/24



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APPENDIX OF W.P(C).NO.28487/2024

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE PAMPHLET OF PEOPLES
FOUNDATION DATED NIL.
- Exhibit P2 A TRUE COPY OF PAMPHLET ISSUED BY THE IUML OF
KERALA STATE OFFERING TO BUILD 100 HOUSES.
- Exhibit P3 A TRUE COPY OF THE PAMPHLET ISSUED BY ANOTHER
ORGANIZATION STATING THAT THERE IS A FUND
MOBILIZATION BETWEEN AUGUST 7 TO 10.
- Exhibit P4 A TRUE COPY OF PAMPHLET ISSUED BY MALANKARA
ORTHODOX SYRIAN CHURCH.
- Exhibit P5 A TRUE COPY OF THE PAMPHLET ISSUED BY AN
ORGANIZATION UNDER THE NAME "SARCASTIC CLUB".
- Exhibit P6 A TRUE COPY OF SCREEN SHOT OF APP BY NAME
"TEA GALA".
- Exhibit P7 A TRUE COPY OF THE PAMPHLET ISSUED BY AN
ORGANIZATION UNDER THE NAME "TEAM CINEPHILE".

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE