

ITEM NO.60

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 165/2015

PRASHANT BHUSHAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(with office report)

Date : 10/04/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Shanti Bhushan, Sr. Adv.
Ms. Kamini Jaiswal, Adv.
Mr. Rohit Kumar Singh, Adv.
Mr. Govind Jee, Adv.
Mr. Kartik Sethi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

This is a writ petition under Article 32 of the Constitution of India with the following prayers :

"In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court in public interest may be pleased to:

(a) Issue a writ of mandamus or any other appropriate writ directing the SIT/CBI to register a Regular Case or FIR against Respondent No.4 on the basis of the complaint made by the petitioner dated 01.12.2014 and do a thorough investigation into the matter.

(b) Issue a writ of mandamus or any other appropriate writ directing the Union of India to remove or initiate steps for the removal of Respondent No.4 as the Chairperson of the Press Council of India.

(c) Issue a writ of mandamus or any other appropriate writ directing the CVC to conduct a thorough inquiry/investigation against Respondent No.4 on the basis of the complaint made by the petitioner dated 01.12.2014.

(d) Issue or pass any writ, direction or order, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case in the interest of justice."

It is submitted by Mr. Shanti Bhushan, learned senior counsel appearing for the petitioner that unless the FIR is registered against the Respondent No.4, a former Judge of this Court, the credibility of the judiciary will be endangered. He has commended us to the decision of this Court in Lalitha Kumari vs. Government of Uttar Pradesh & Ors. [(2014) 2 SCC 1] to bolster the submission that it is obligatory on the part of the investigating agency to register FIR.

In our considered opinion, the person, who is aggrieved by any kind of order passed by respondent no.4 in the discharge of his judicial duty while functioning as a Judge of this Court in dealing with a matter on the judicial side, can file an application for review or take recourse to the curative petition or any other remedy available to him in law. But the petitioner cannot be allowed to make such a prayer invoking the conceptual facet of Public Interest Litigation under Article 32 of the Constitution of India. We are absolutely convinced that the view expressed by the Constitution Bench in Lalitha Kumari (supra) is not applicable to the facts of the case.

In view of the aforesaid, the writ petition, being *sans merit*, stands dismissed.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master