

HIGH COURT OF MADHYA PRADESH:
MAIN SEAT AT JABALPUR

DIVISION BENCH:

HON. CHIEF JUSTICE SHRI S.K. SETH AND HON.
SHRI JUSTICE VIJAY KUMAR SHUKLA

Writ Petition No.29707 of 2018

Mohit Kumar

...Petitioner

V E R S U S

The State of M.P. & Others

...Respondents

Petitioner in person.

Shri Rajendra Tiwari, Advocate General with
Shri Shashank Shekhar, Additional Advocate
General for respondents no.1 and 2 on advance
copy.

Shri Siddharth Seth, counsel for respondents
no.5 and 6 on advance copy.

O R D E R

(4th day of January, 2019)

Per Seth, C.J.:

Heard on admission.

2. Petitioner is an Advocate practicing
at Allahabad. He has filed this PIL to assail
the order dated 17.12.2018 of the State
Government. By the said order, short-term
agricultural loans to the extent of Rs. 2

lacs advanced to farmers have been waived off (माफ).

3. Petitioner has impleaded persons who are neither necessary nor proper party to the litigation. He submitted that he does not wish to press this petition in respect of those persons (respondents no.3 to 7). With that understanding we proceeded to hear the petitioner on admission.

4. we find that the mainstay of the petition is that the order impugned is the precursor of the ruin of the national economy because other States are also following the suit. It was submitted that without any spade work, order impugned has been issued.

5. This, according to petitioner, amounts to corrupt practice within the meaning of Section 123 of Representation of Peoples' Act, 1951. Hence this PIL to quash the order dated 17.12.2018.

6. After having heard the petitioner at length, we find that after filing the present petition, news item was duly

published in the News Paper "Patrika" Jabalpur Edition dated 27.12.2018 and "Dainik Bhaskar" Jabalpur Edition dated 27.12.2018. Thus it is clear that the petition is a publicity oriented petition and petitioner is asking us to rush in where Angels fear to trade. We are conscious of our limitations and we do not possess the necessary expertise or wherewithal to examine the political matter and in our considered opinion the Court is not the proper forum to thrash out political issues. That apart, when we asked the petitioner whether he studied economic as subject, he evaded the question to give a straight answer or point out any relevant material on the record in support of his contention. In view of bald assertion, we have, serious doubts about credential of the petitioner to agitate the matter in Court of law.

7. Regarding the next submission, that the impugned order comes within the purview of Corrupt Practice, suffice it to say that this contention is impermissible in a Public

Interest Litigation because the Representation of Peoples' Act, 1951 is a complete Code in itself and the unfounded insinuations and allegations having political overtones could not be entertained and tested in a writ petition filed under Article 226 of the Constitution of India. Petitioner could not satisfy us regarding breach of fundamental or legal right so as to claim prerogative writ. The entire petition is a publicity maneuver and the Court is not a proper forum for this kind of publicity originated writ petition. Thus, we find no merit and substance in the writ petition, same is accordingly dismissed summarily.

(S.K. SETH)
CHIEF JUSTICE

(VIJAY KUMAR SHUKLA)
JUDGE

rao