

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/WRIT PETITION (PIL) NO. 70 of 2021

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NIRANJAN GHOSH, MAHAMANTRI, BAHUJAN SAMAJ PARTY
Versus
THE STATE ELECTION COMMISSION

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Appearance:

PARTY IN PERSON(5000) for the Applicant(s) No. 1
for the Opponent(s) No. 2,3
MS MANISHA LAVKUMAR SHAH, GOVERNMENT PLEADER WITH MS
AISHVARYA GUPTA, AGP for the Opponent(s) No. 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE MR. JUSTICE
VIKRAM NATH**
and
HONOURABLE MR. JUSTICE BIREN VAISHNAV

Date : 10/06/2021

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BIREN VAISHNAV)

1. When the matter is called out, party-in-person Mr. Niranjana Ghosh is not present. We have heard Ms. Manisha Lavkumar, learned Government Pleader assisted by Ms. Aishvarya Gupta, learned AGP for the State respondent and have also perused the material on record.

2. Easy access to judicial redressal mechanism particularly through Public Interest Litigation is at times misused/abused. This case by a successive Public Interest Litigation by the party-in-person is one such stark example of such abuse/misuse.

3. The present Public Interest Litigation has been filed by the party-in-person pertaining to reservation of seats in favour of candidates belonging to the Scheduled Castes, Scheduled Tribes, Socially and

Educationally Backward Classes and Women in election to local bodies namely the Taluka Panchayats, the Nagar Panchayats, the Village Panchayats, the Municipalities and Municipal Corporations. The other multiple issues raised in the petition pertain to drawing of a mechanism or register to determine reserved seats, use of VVPATs, and listing of irregularities and illegalities, which in the perception of the petitioner are practiced by the State Election Commission. We have called for the papers from the Registry of WPPIL No. 11 of 2021 filed by the same petitioner since he has annexed an order passed by this court in the aforesaid Public Interest Litigation. By an order dated 01.02.2021, this court had observed that the petitioner had shown a callous manner in which the petition had been drafted and that the court was not in a position to make head and tail out of it.

4. The present petition, together with the prayers and the pleadings when perused would indicate that for an identical nature of pleadings and the prayers made in the earlier petition, the present petition has been filed. Vague averments without any material on record in support thereof have been made with regard to determination of reservation of seats, when in fact the mechanism of determination of rotation and allocation of seats is a scientific process done by the State Authorities by enactment of rules.

5. Perusing the paragraphs set out in the petition and comparing the same with the earlier Public Interest Litigation being WPPIL No. 11 of 2021 indicates that the petitioner has persisted in filing the same petition though the earlier petition was rejected and the party-in-person's callous approach to filing such petitions was deprecated by this Court. Incoherent pleadings not supported by any material, multiple grievances unconnected with each other have been placed in the petition without application of mind.

6. We are, therefore, constrained to dismiss this petition filed by the petitioner – party-in-person as being without merit. Considering the fact that this was a second attempt of the petitioner at filing a frivolous petition, when once this court has unequivocally deprecated the petitioner’s callous attitude, we dismiss the petition with cost of Rs.500/-.

(VIKRAM NATH, CJ)

(BIREN VAISHNAV, J)

DIVYA

