

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NOS.7674-7675 OF 2002

S.K. KANTHA

Appellant (s)

VERSUS

QAMARULLA ISLAM & ORS.

Respondent(s)

(With office report)

Date: 05/04/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. Naresh Kaushik,Adv.

Ms. Shilpa Chohan,Adv.

Ms. Lalitha Kaushik,Adv.

Dr. Sushil Balwada,Adv.

For Respondent(s)

Mr. A.S. Bhasme,Adv.

Mr. B. Subrahmanya Prasad,Adv.

Mr. S.K. Dubey,Adv.

Mr. Basava Prabhu S. Patil,Adv.

Mr. T.L.V. Iyer,Sr.Adv.

Mr. G.V. Chandrasekhar,Adv.

Mr. P.P. Singh,Adv.

Ms. Prenana Kumari,Adv.

Mr. P. Parmeswaran,Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Rajesh Mahale, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties from 10
.35 a.m. to
11.45 a.m.

The civil appeals are dismissed.

No costs.

[T.I. Rajput]

Court Master

[Shelly Sengupta]

Assistant Registrar

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7674-7675 OF 2002

S.K. Kantha

...Appellant(s)

Versus

Qamarulla Islam & Ors.

...Respondent(s)

O R D E R

The appellant has filed a writ petition before the High Court of Karnataka

in the form of a public interest litigation. The High Court dismissed the writ

petition, having persuaded by the fact that the appellant was a political rival of the first respondent against whom the allegations were levelled.

Before us, it has been contended by the learned counsel for the first

respondent that the public interest litigation petition has been filed against the first

respondent to settle personal score. The appellant does not dispute that he contests

against the first respondent from the same constituency. With this background, we

are also of the view that the public interest litigation petition has been filed by a

political rival to achieve personal score. On this sole ground, we are of the opinion

that the petition cannot be maintained in the form of a public interest litigation as it

cannot be said to have been filed by a public spirited person. In this view, the

appellant has no locus standi to file the petition as a public spirited person.

...2/-

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The civil appeals are, accordingly, dismissed.

We, however, note that the dismissal of these civil appeals will not

preclude the appellant and others to approach the alternative forum to challenge any

action of the respondents, if they are otherwise entitled under the law.

No costs.

.....J.

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[H.K. SEMA]

.....J.

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[TARUN CHATTERJEE]

New Delhi,

April 05, 2005.