

[2014] 3 S.C.R. 929

ARUN KUMAR AGRAWAL

A

v.

UNION OF INDIA & ORS.

I. A. Nos. 3, 4 and 5 of 2013

In

(Writ Petition (Civil) No. 374 of 2012)

B

JANUARY 10, 2014

**[SURINDER SINGH NIJJAR AND
PINAKE CHANDRA GHOSE, JJ.]**

C

CONSTITUTION OF INDIA, 1950:

Art. 32 - Writ petition filed purporting to be in public interest - Judgment - I.A. filed praying for expunction of certain observations made in the judgment - Held: Expunging of remarks about bona fides of petitioner would not affect the decision in the writ petition - Prayer allowed - Public Interest Litigation - Expunction of remarks.

D

Art. 32 - Writ petition - Judgment - I. A. for directions - Held: The remarks have been made only for the purpose of decision of the writ petition and shall have no bearing on the service career of the applicant - Interlocutory application - Impleadment.

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CIVIL ORIGINAL JURISDICTION : I.A. Nos. 3, 4 and 5 of 2013.

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IN

Writ Petition (Civil) No. 374 of 2012

Under Article 32 of the Constitution of India.

G

Mohan Parasaran, SG, Sidharth Luthra, ASG, Shanti Bhushan, Rakesh Dwivedi, Altaf Ahmed, Prashant Bhushan, Rohit Kumar Singh, Kartik Seth, Govindjee Kamat, Devadatt

A Kamat, Suruchi Suri, Simar Suri, Chanchal Kumar Ganguli, Vikramaditya, Senthil Jagadeesan, Govind Manoharan, Gopal Singh, Rupesh Kumar, Vikas Malhotra, Sushma Suri, Dr. Ashok Dhamija, V. Mohana, Supriya Juneja, B.V. Balaram Das, Bhargava V. Desai, Shreyas Mehrotra for the appearing parties.

B The following Order of the Court was delivered

O R D E R

I.A. No. 3 and 4

C The application for impleadment is dismissed.

D So far as Dr. Abraham is concerned, we find that the remarks have been made only for the purpose of decision of the Writ Petition and shall have no bearing on the service carrier of Dr. Abraham.

With the above observation, the application for direction is disposed of.

E I.A. No.5

This is an application filed by the petitioner for expunging certain remarks made in paragraph 63 of the judgment.

F We have perused the application, which is supported by an affidavit, and heard Mr. Shanti Bhushan, learned senior counsel; Mr. Mohan Parasaran, learned Solicitor General, Mr. Rakesh Dwivedi, learned senior counsel and Mr. Siddharth Luthra, learned ASG.

G It would appear to us that the observations made about the bonafides of the petitioner need to be expunged. Expunging of such remarks, in our opinion, would not affect the decision in the Writ Petition and this has also been specifically accepted by Mr. Prashant Bhushan, learned counsel for the petitioner. Accordingly, we expunge the remarks made that the petitioner

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ORS.

is "acting at the behest of some other interested parties". We also expunge the remarks that the petitioner may have filed the petition with an "ulterior motive at the interest of some other person". Furthermore, the remarks that the petitioner may be acting as a "surrogate for some powerful phantom lobbies shall also be expunged". The remarks that "the petitioner had earlier filed writ petitions, in which identical relief had been claimed and the same had been dismissed", shall also be expunged. Furthermore, the remark that the petitioner is a "stool pigeon" and acting on the directions of some business houses is also expunged.

With these observations, this application is disposed of.

R.P.

Applications disposed of.