

SURAZ INDIA TRUST

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v.

UNION OF INDIA

(Writ Petition (C) No. 880 of 2016)

MAY 01, 2017

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**[JAGDISH SINGH KHEHAR, CJI,
DR. D. Y. CHANDRACHUD AND
SANJAY KISHAN KAUL, JJ.]**

Administration of Justice – Abuse of process of law – Misconceived petitions – Petitioner-Trust repeatedly invoked the jurisdiction of Supreme Court by filing 64 misconceived petitions – As per record, petitioner did not find any success despite repeated endeavours – Petitioner took grievance to the highest executive functionaries – It also aired protestation against the officers of the Registry of Supreme Court, even filed contempt petition against the then Chief Justice and expressed his ire against the other Judges – Held: The waste of judicial time is a matter of serious concern – The course of action adopted by the petitioner was not in consonance with law – Filing of contempt petitions on issues which lacked justification, highlighted the petitioner’s misadventures – All such misadventures have to be dealt with sternly, so as to prevent abuse of judicial time – Therefore, petitioner directly or through any individual refrained absolutely, from filing any cause in public interest, before any Court of this country – To discourage indiscretion of instant nature, cost of Rs.25 lakhs imposed on the petitioner – Public Interest Litigation.

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Disposing of the writ petition, the Court

HELD: 1. The narration recorded hereinabove, leaves no room for any doubt, that the petitioner’s (Suraz India Trust) actions, in repeatedly invoking the jurisdiction of this Court, were clearly uncalled for. In 64 of the cases, when Suraz India Trust approached this Court, it did not find any success whatsoever, and not a single direction, ever came to be issued by this Court, out of its repeated endeavours. No one, who does not understand the nicety of legal issues, as has been demonstrated by the actions of Suraz India Trust, can be permitted to endlessly waste Court

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A time. The different contempt petitions filed by Suraz India Trust, against a Chief Justice (whilst he was still in office), and against the Secretary General of the Supreme Court, amongst others, were wholly groundless, baseless and ill-founded. [Para 23] [30-A-C]

B 2. The waste of judicial time of this Court, is a matter of serious concern. The course of action adopted by the petitioner (despite its alleged, bona fide intention), was not in consonance with law. When the petitioner did not get the orders that it hoped for (or, felt it was entitled to), the petitioner pointedly expressed its anger, towards all and sundry... and even by name. The
C petitioner took its grievance, to the highest executive functionaries in this country. The petitioner agitated its claim, by airing its grievances to the Chief Justice of India and the Judges of this Court - at their private residences. The petitioner aired its protestation, even against the Secretary General of the
D Supreme Court. These officers were targeted because they had filed/lodged matters filed by Suraz India Trust, for the simple reason, that they were not maintainable. Having considered the same, the administrative determination by officers of the Registry of this Court, was fully justified. [Para 24] [30-D-F]

E 3. The posting of a matter filed by the petitioner, by the then Chief Justice, before a three-Judge Bench, was also a matter which was unnecessarily agitated repeatedly. Even by filing contempt petitions against the then Chief Justice himself. Filing contempt petitions, one after the other, on issues which lacked justification, also highlighted the Trust's illegitimate
F misadventures. Mr. Rajiv Daiya, appearing for the petitioner Trust, is an emboldened persona. He has expressed his ire even against six Judges of the Rajasthan High Court, including its Chief Justice, and against three Judges of the Supreme Court, besides its Chief Justice. All these actions of the petitioner were wholly
G unjustified. Mr. Rajiv Daiya did not attempt, to even make the slightest effort, to reason out the same, or to demonstrate the veracity of his actions. Having gone through the hearing, over a length of time expressed hereinabove, the least one can say is, that the petitioner has been seriously remiss, in his judicial interventions. [Para 25] [30-G-H; 31-A-B]

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4. Extremely important matters are taken up for consideration on a daily basis, and they lag behind sometimes, because individuals who were not competent to assist this Court, insist without due cause, to be granted a prolonged hearing. Hearing is sometimes sought (as in the instant case) even in matters, which the petitioners themselves are incompetent to understand and handle. All such misadventures have to be dealt with sternly, so as to prevent abuse of judicial time. Specially by such individuals, who freely cast imaginary and scandalous accusations, in making out their submissions. [Para 26][31-B-C]

5. Suraz India Trust cannot be let off without any remedial consequences, for its filing of misconceived petitions. It is, therefore directed that Suraz India Trust shall henceforth refrain itself absolutely, from filing any cause in public interest, before any Court in this country. Similarly, Mr. Rajiv Daiya shall absolutely refrain himself from filing any cause in public interest, either directly or through any other individual, hereinafter, in any Court. In all pending matters, whether before this Court or before any other High Court, which may have been initiated by Suraz India Trust and/or by Mr. Rajiv Daiya, as a cause in public interest, it shall be imperative for Suraz India Trust/Mr. Rajiv Daiya, to place the instant judgment/order on the record of the case, in case the petitioner decides not to withdraw the same unilaterally. [Para 27][31-E-F]

6. For the judicial time wasted by Suraz India Trust, it is considered just and appropriate to impose exemplary costs on it. This is imperative, as it would discourage, the instant nature of indiscretion, not only at the hands of Suraz India Trust, but also at the hands of other similarly placed individuals, who may have been emboldened, to adopt the course treaded by Mr. Rajiv Daiya. The costs imposed on the petitioner are hereby quantified as Rs.25 lakhs (Rupees twenty five lakhs only). [Para 28] [31-G-H]

CIVIL ORIGINAL JURISDICTION : Writ Petition(Civil) No. 880 of 2016.

Under Article 32 of the Constitution of India.

Rajiv Daiya, Adv. for the appearing parties.

The Judgment of the Court was delivered by

A **JAGDISH SINGH KHEHAR, CJI** 1. The application for permission to appear and argue in person is allowed.

2. When the instant writ petition originally came up for hearing on 27.3.2017, this Court passed the following order:

B “1. Mr. Rajiv Daiya has entered appearance on behalf of the petitioner. He is not a qualified advocate, but he appears in this case in-person, on behalf of the Suraz India Trust, in his capacity as its Chairman. We have had the opportunity to hear him on some occasions. In the above view of the matter, the Registry was required to furnish to this Court, details of all the petitions filed by Suraz India Trust. In compliance thereof, the same have been provided to us, in a separate compilation.

C 2. One set of the aforesaid compilation has been handed over to Mr. Daiya in the Court today. We would request him to respond to the same, so as to enable us to determine whether he should be permitted to file petitions in public interest, on account of the apparent indication in the compilation furnished to him, that he has never succeeded in any petition despite the long list of cases filed on behalf of Suraz India Trust. He may respond, within four weeks from today.

D 3. Post of hearing on 24th April, 2017.”

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3. It is necessary to record, that the details of all the petitions, filed by Suraz India Trust, were placed on the record of this case, by the Registry, on the asking of the Chief Justice (in his administrative capacity). The information had been sought by him, because on earlier occasions, petitions filed by Suraz India Trust (- all raising causes in public interest), were found to be devoid of any merit, and were summarily dismissed. A brief summary thereof, is being extracted hereunder:

“SUPREME COURT OF INDIA

PIL (WRIT) SECTION

G The status of matters filed by Suraz India Trust is given below:

Sl. No	Nature of Matter	Date of Filing	Relief Sought	Status / Remarks
1	(i) W.P.(C) No. 136/2009	26.3.2009	(a) Direct the respondent Election Commission of	Dismissed on 4.5.2009

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SURAZ INDIA TRUST v. UNION OF INDIA
[JAGDISH SINGH KHEHAR, CJI]

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			India to follow the mandatory provisions of rule 49-B(1) of the Rules of 1961 meant for preparation of balloting unit of voting machine in the forthcoming MP election of 2009 containing such particulars and such language which may enable the Elector to formally express his choice by ballot in case he decides to refrain from voting	
(ii) R.P.(C) No. 1041/2009 in W.P.(C) No. 136/2009	19.5.2009	(a) The order impugned dated 4.5.2009 may kindly be recalled and reviewed, and the written submissions may kindly be ordered to be taken on record and the same may kindly be ordered to be treated as part and parcel of the review petition, and the notice may kindly be issued to the Election Commission as the onus to prove their action shift upon the respondent in view of the settled proposition of law laid down in the cases and as averred hereinabove in para 6(E), and the writ petition may kindly be ordered to be tagged and adjudicated with the Writ Petition No. 161 of 2004 (PUCL & anr. vs. UOI & anr.)	Dismissed on 15.9.2009	

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A	2	(i) W.P.(C) No. 241/2009	4.5.2009	(a) Declare the provisions of rule 2(1)(c), 4(1), 5(3), 5(5)(ii), 6, 7(1)(b), 9(1), 10(1), 10(2) and 12 of the Rajasthan Right to Information (High Court & Subordinate Court) Rules, 2006 as ultra virus same being inconsistent with and in contravention to the provisions of the Right to Information Act, 2005	Dismissed as withdrawn on 14.9.2009
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D	3	(i) W.P.(C) No. 280/2009	25.6.2009	(a) Declare the provisions of Rule 3 of Order XL of the Supreme Court Rules, 1966 as ultra-virus same being inconsistent with and in contravention to the provisions of Article 137 and 145 so also Article 14 of the Constitution of India	Dismissed on 19.10.2009
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F		(ii) R.P.(C) No. 884/2010 In W.P.(C) No. 280/2009	4.11.2009	(a) The order impugned dated 19.10.2009 may kindly be recalled and reviewed, and the writ petition may kindly be adjudicated on merits and demerits of the case after hearing both the parties	Dismissed on 2.2.2010
G	4	(i) W.P.(C) No. 439/2009	19.9.2009	(a) Quash and set aside the order/circular No. F.20/Judl./2009 dated 5th May, 2009 of Ld. Registrar (Judl.), Supreme Court of India, being violative of Article 14 and 32 of the Constitution of India	Dismissed on 10.9.2010
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SURAZ INDIA TRUST v. UNION OF INDIA
[JAGDISH SINGH KHEHAR, CJI]

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	(ii) R.P.(C) No. 17/2011 in W.P.(C) No. 439/2009	17.9.2010	(a)The Order impugned dated 10.9.2010 may kindly be recalled and reviewed, and the writ petition may kindly be decided after issuing the notice to the respondent and after hearing both the parties on the merits and demerits of the case in the interest of justice	Dismissed on 2.2.2011
5	(i) W.P. (C) 469 of 2009	10.9.2009	(a)Declare the section 47 and 128 of the Criminal Procedure Amendment Act, 1923 as ultra-virus and unconstitutional	Disposed of on 6.12.2010
	(ii) R.P.(C) No. 1030/2011 In W.P.(C) No. 469/2009	3.1.2011	(a)The order impugned dated 6.12.2010 may kindly be recalled and reviewed, and the writ petition may kindly be decided after issuing the notice to the respondent and after hearing both the parties on the merits and demerits of the case in the interest of justice	Dismissed on 26.4.2011
	(iii) I.A. D. No. 92906 of 2016 (Application for adjudication of PIL Petition No. 10605 of 2015) pending before Delhi High Court in W.P. (C) 469/2009	13.12.2016	(a)The AC may kindly be appointed in light of the order dt. 6.12.2010 passed by Hon'ble Supreme Court	Lodged vide Order dt. 18.1.2017 of Ld. Registrar J-I

A		(iv) I.A. No. 4 (Appeal by way of I.A. against Ld. Registrar's Order) & I.A. No. 5 (Condonation of delay) in W.P. (C) 469 of 2009 (dismissed matter)	6.2.2017	(a) This appeal may kindly be accepted and allowed and the impugned order dt. 18.1.2017 passed by the Registrar (J-1) may kindly be quashed and set aside and the above writ petition may kindly be ordered to be placed before the Hon'ble Division Court as provided under the provisions of Sub Rule (1) and (2) of Rule 1 of Order XXXVIII of the Supreme Court Rules, 2013 to protect the fundamental right of the petitioner enshrined under Article 32 of the Constitution of India and to meet the ends of justice	Pending for listing
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E	6	(i) W.P. (C) 204/2010	10.9.2009	(a) Adjudicate the legal questions raised in para 3 of the writ petition; (b) Reconsider and review the law laid down by 9 Judges Bench passed in the case of Supreme Court Advocate-on-Record Association Vs. Union of India & Ors. (reported in (1993) 4 SCC 441) so also in the case of Special Reference No. 1 of 1998 (reported in (1998) 7 SCC 739);	Dismissed on 7.1.2013
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H		(ii) Application for restoration of Writ Petition	4.2.2013	(a) Application for restoration may kindly be accepted and allowed and writ petition may kindly be restored to its original number	Lodged vide Ld. Registrar's order dated 23.2.2013

SURAZ INDIA TRUST v. UNION OF INDIA
[JAGDISH SINGH KHEHAR, CJI]

9

	(iii) Appeal against the registrar order dated 23.2.2013 (I.A. No.5)	1.4.2013	(a) Application may kindly be accepted and allowed and writ petition no. 204/2010 may kindly be restored.	Dismissed on 3.7.2015	A
	(iv) Contempt Petition (C) D 20400/2013	5.7.2013	(a) to direct the Contemnor to make compliance of the orders dated 4.4.2011 and 9.11.2012	Lodged vide Ld. Registrar's order dated 27.7.2013	B
	(v) Appeal by way of I.A. against registrar order dated 27.7.2013 (IA No.7)	27.8.2013	(a) Appeal may kindly be accepted and allowed and the contempt petition may kindly be posted for preliminary hearing before the Hon'ble Court.	Dismissed on 3.7.2015	C
	(vi) Contempt petition (C) D 22286/2014	11.7.2014	(a) Direct the Contemnors not to interfere with the judicial proceedings of the Hon'ble Supreme Court and not to obstruct the administration of justice;	Lodged vide Ld. Registrar's order dated 16.8.2014	D
	(vii) Appeal by way of IA against registrar order dated 16.8.2014 (I.A. No.9)	27.9.2014	(a) appeal may kindly be accepted and allowed and the contempt petition may kindly be posted for preliminary hearing before the Hon'ble Court.	Dismissed on 3.7.2015	E
	(viii) R.P.(C) 3486/2015	27.7.2015	(a) Order impugned dated 3.7.2015 may kindly be recalled and reviewed, and the writ petition may kindly be restored and be adjudicated by a larger Bench in compliance to the orders dated 4.4.2011 and 9.11.2012 passed by Hon'ble Court.	Dismissed on 15.12.2015	F G H

A	(ix) Contempt Petition (C) D2868/2016	22.1.2016	(a) Direct the respondent Chief Justice of India, Supreme Court of India to make compliance of the orders dated 4.4.2011 and 9.11.2012 in their letter and spirit.	Lodged vide Ld. Registrar's order dated 9.2.2016
B	(x) I.A. No. 1 (Appeal by way of I.A. against Ld. Registrar's Order dated 9.2.2016) along with application for the condonation of delay	29.2.2016	(a) Appeal may kindly be accepted and allowed and the contempt petition may kindly be placed before the Hon'ble Court as provided under the provisions of Rule 5 of the Rules of 1975.	Dismissed on 20.3.2017
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D	7 (i) W.P. (C) 209/2015	26.5.2015	(a) to declare the Constitution (Ninety Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 being unconstitutional and ultra vires;	Disposed of on 16.12.2015
E	(ii) Application for recalling of order dated 12.5.2015	18.3.2015	(a) Recalling of the order dated 12.5.2015 may kindly be allowed and the matter may kindly be referred to the large bench	Lodged vide Ld. Registrar's order dated 4.6.2015
F	(iii) Appeal by way of I.A. against registrar order dated 4.6.2015 (I.A. No.4)	9.6.2015	(a) Appeal may kindly be accepted and allowed and the I.A. for Recalling of Order dated 12.5.2015 may kindly be for placed before the Hon'ble Court as provided under the provisions of Rule 1(2) of Order XXXVIII of the Supreme Court Rules, 2013	Disposed of on 15.7.2015
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SURAZ INDIA TRUST v. UNION OF INDIA
[JAGDISH SINGH KHEHAR, CJI]

11

	(iv) Application for recalling of order dated 15.7.2015	3.8.2015	(a) Recalling of order dated 15.7.2015 may kindly be allowed, and the matter may kindly be referred to the larger Bench. Or in the alternative, the matter may kindly be placed before the Hon'ble Chief Justice for constitution of Bench of appropriate strength.	Lodged vide Ld. Registrar's order dated 12.8.2015
	(v) Appeal by way of I.A. against registrar order dated 12.8.2015 (I.A. No.5)	31.8.2015	(a) Appeal may kindly be accepted and allowed and the I.A. for Recalling of Order dated 15.7.2015 may kindly be for placed before the Hon'ble Court as provided under the provisions of Rule 1(2) of Order XXXVIII of the Supreme Court, 2013	Dismissed on 17.2.2017
	(vi) R.P. (C) 83/2016	16.11.2015	(a) The judgement impugned dated 16.10.2015 may kindly be recalled and reviewed, and the matter may kindly be referred to the larger Bench for deciding the controversy as to which one of the two methods i.e. Constitutional Method OR Collegium Method will continue after declaring NJAC unconstitutional and void.	Dismissed on 13.2016
8	(i) W.P. (C) 303/2010	10.9.2009	(a) Reconsider the law laid down in the case of K. Veeraswami (reported in 1991(3) Judgement Today p. 198) by the larger bench in the changed circumstances.	Dismissed on 10.9.2010

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	(ii) R.P. (C) 1994/2010	14.12.2010	(a) Order impugned dated 10.9.2010 may kindly be recalled and reviewed, and the writ petition may kindly be decided after issuing the notice to the respondent and after hearing both the parties on the merits and demerits of the case in the interest of justice.	Dismissed on 14.12.2010
9	(i) W.P. (C) D.No. 2910 of 2016	22.1.2016	(a) Set aside the order dt. 7.1.2013 passed in Writ Petition (C) No. 204 of 2010 (Suraz India Trust versus Union of India & Another) by rectifying the error ex debito justitiae;	Lodged on 2.7.2016
	(ii) I.A. No. 1 (Appeal by way of IA against Ld. Registrar's Order dt. 2.7.2016)	22.7.2016	(a) This appeal may kindly be accepted and allowed and the impugned order dt. 2.7.2016 passed by the Registrar (J-I) may kindly be quashed and set aside and the above writ petition may kindly be ordered to be placed before the Hon'ble Division Court as provided under the provisions of Sub Rule 1(1) of Order XXXVIII of the Supreme Court Rules, 2013 to protect the fundamental right of the petitioner enshrined under Article 32 of the Constitution of India and to meet the ends of justice	I.A. 1 was lastly listed before the Court on 27.2.2017 and directed to be listed on 10.4.2017

SURAZ INDIA TRUST v. UNION OF INDIA
[JAGDISH SINGH KHEHAR, CJI]

13

10	(i) W.P. (C) D. No. 41438 of 2016	13.12.2016	(a) Set-aside the order dt. 1.3.2016 passed in Review Petition (C) No. 83 of 2016 titled Suraz India Trust vs. Union of India by rectifying the error ex debito justitiae	Lodged vide Order dt. 20.1.2017 of Ld. Registrar J-I
11	(i) W.P. (C) 210 of 2016 (Main matter: W.P. (C) 295 of 2016)	8.2.2016	(a) Direct the respondent Union Law Minister to abide by the oath taken by him and further to maintain and sustain the oath taken by the President of India	Dismissed on 20.3.2017
12	(i) W.P. (C) No. 880/2016	20.11.2015	(a) Declare the provisions of section 3 of the Judges (Enquiry) Act, 1968 as unconstitutional and void; the same being inconsistent and in contravention to the provisions of Article 124(4) of the Constitution of India	Listed on 20.1.2017. Next date of hearing: 27.3.2017

The matters summarized above, were taken up for hearing, in 64 different proceedings. The summary extracted hereinabove, affirms the position, that Suraz India Trust, has not been successful in any matter.

4. After the hearing of this case on 27.3.2017, the instant petition came up for consideration on 24.4.2017. During the course of hearing on 24.4.2017, Suraz India Trust was represented by its Chairman, Mr. Rajiv Daiya. We granted him liberty, to make a voluntary statement to this Court, if he considered appropriate, that Suraz India Trust would henceforth, not file any petition urging a cause in public interest. This offer was extended to him, because it prima facie appeared to the Court, that the litigation initiated by the Trust was thoughtless and frivolous. We had made it clear to Mr. Rajiv Daiya, that in case he made such a statement, the matter would be closed, and assured him, that no further

A consequences would follow. Alternatively, he was asked to file a
 response, to establish the bona fides of the Trust. On his desire to file a
 reply, he was afforded an opportunity to do so, by 28.4.2017. In fact,
 this was the second opportunity granted to him. On the first occasion,
 i.e. on 27.3.2017, he was required to file his response, within four weeks.
 B It is obvious, that there was ample opportunity for the petitioner, to reflect
 on the liberty granted to it, to obtain advice and counsel, and thereupon,
 to take a conscious decision, one way or the other.

5. When the matter was taken up for hearing at 11.30 A.M. today,
 Mr. Rajiv Daiya stated, that he would assist this Court, without any
 written response. He therefore took a conscious decision, not to adopt
 C the course suggested to him, by this Court on 27.3.2017. At the very
 outset, it was acknowledged by Mr. Rajiv Daiya, that the factual position
 referred to in the compilation furnished to him (as detailed in para 3
 above) was correct. While assisting this Court, the petitioner referred
 to some documents which had been placed on the record of this case,
 D and to other additional documents, which the petitioner furnished to us
 during the course of hearing. We accepted all the documents, and agreed
 to hear Mr. Daiya.

6. The first letter brought to our notice, dated 20.1.2011, was
 addressed by the Under Secretary to the Government of India to this
 E Court. The text of the aforesaid communication is reproduced below:

“I am directed to forward herewith (in original) a representation
 dated 27.12.2010, along with its enclosures, of Shri Rajiv Daiya,
 Chairman, Suraz India Trust, Rajmata Ji Ka Nohra, Near Fateh
 Sagar, Jodhpur, received through the President Secretariat, vide
 F their letter no. P1/E/0601110044, dated 6.1.2011, for appropriate
 action.

2. It is requested that the grievances/complaints under reference
 may be looked into at the earliest under intimation to the applicant.”

It is important to indicate, that through the above correspondence, a
 G representation dated 27.12.2010, filed by Mr. Rajiv Daiya, in his capacity
 as Chairman, Suraz India Trust, was forwarded to this Court for
 appropriate action. Mr. Rajiv Daiya, also placed reliance on a similar
 letter, dated 13.2.2013. The text thereof is also reproduced below:

“I am directed to forward herewith a representation dated
 H 5.11.2013 (in original) received from Shri Rajiv Daiya, Chairman,

SURAZ INDIA TRUST v. UNION OF INDIA
[JAGDISH SINGH KHEHAR, CJI]

15

Suraz India Trust, Raj Mataji Ka Nohra, Near Fateh Sagar, Jodhpur, Rajasthan for appropriate action.

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2. It is requested that the grievance/complaint under reference may be looked into and action taken as deemed appropriate under intimation to the applicant at an early date.”

The instant communication was forwarded by the Deputy Secretary to the Government of India, to this Court, for appropriate action. The action sought was based, again on a representation (dated 5.11.2013) filed by Mr. Rajiv Daiya, Chairman of Suraz India Trust.

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7. It was the pointed contention of Mr. Daiya, that none of the representations, filed by him, was appropriately dealt with by this Court. In order to demonstrate his dissatisfaction, in the manner in which this Court - on the judicial side, and on the administrative side – by the Registry, was dealing with his petitions and representations, he invited our attention to a communication dated 27.12.2010, which he had addressed to the Chief Justice of this Court, and to all the then sitting Judges of this Court, in his capacity as Chairman, Suraz India Trust. It was pointed out, that the aforesaid communication was forwarded to the residential addresses of Hon’ble Judges, so as to invite their attention to his complaints, while they were relatively free, to visualize his grievances and protestation. In the communication dated 27.12.2010, Suraz India Trust, demanded action against the Registrar (J) – Shri T. Sivdasan and the Assistant Registrar PIL (Writ) – Shri Vimal Jaitely. The first four paragraphs of the instant communication, narrate the anxiety of Mr. Rajiv Daiya. The same are reproduced hereinbelow:

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“1. That it is humbly submitted that the petitioner served a Notice upon Shri T. Sivadasan, the Registrar (Judicial) and Shri Vimal Jaitely, the Assistant Registrar PIL (Writ) on 8.10.2010 through speed post for contempt of Hon’ble Supreme Court in creating obstruction in getting justice as well as disrespecting the proposition of law laid down by Hon’ble Supreme Court in the case of (1) Nilima Priyadarishini vs. State of Bihar (AIR 1987 SC 2021); (2) Prem Chand vs. Excise Commissioner, UP (AIR 1963 SC 996); and (3) M.V. Vali Pero vs. Fernando Lopez (AIR 1989 SC 2206) as also for initiating criminal prosecution under Section 210, IPC for making reports maliciously and contrary to law. A copy of the notice dated 8.10.2010 is enclosed herewith and marked as Annexure-A.

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A 2. That this notice dated 8.10.2010 was served upon Shri T. Sivadasan and Shri Vimal Jaitely in personal/individual capacity with a view to bring into their kind notice about their misconduct and abuse of power and post. The Registrar (Judicial) and Assistant Registrar PIL (Writ) and while performing their duties as such, have abused the process of law and have acted in contravention to the provisions of the law of the land, and are still acting as if they are above the law and they do not have any faith in the law of the land and our Constitution as well.

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C 3. That even when the notices were served upon both the authorities in their individual capacity and by name, and it is an admitted position that these papers were not sent as a document under the provisions of Supreme Court Rules, 1966 nor the notices served upon in personal capacity fall under the category of documents to be dealt with by the Registry for adjudication after registering the documents, nor these are papers to be denied to accept by the Registry which were sent in personal/individual capacity just to bring into the kind notice about contravention of the law. The petitioner thought it proper first to apprise the Registrar (J) and Assistant Registrar PIL (Writ) themselves about their errors/mistakes through the aforesaid Notice, so that the same may be rectified and may not be repeated in future. But they have been still acting in contravention to the provisions of law in returning these notices to the petitioner by letter dated 30.10.2010 (dispatched on 90.11.2010 and received on 12.11.2010) while mentioning therein that the documents received by post are not entertainable under Order X Rule 6(1) of Supreme Court Rules, 1966. Thus, it is height of abuse of power and post so also abuse of process of law. A copy of the letter dated 30.10.2010 returning the notices to the petitioner is enclosed herewith and marked as Annexure-B.

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G 4. That it is also very pertinent to mention here that the petitioner drawn kind attention of Hon'ble Supreme Court by representation dated 2.11.2009 for acting in contravention to the provisions of the law of the land, but the same was never placed before the Hon'ble Chief Justice, so that the petitioner could be provided proper opportunity to plead the cases pending adjudication. A copy of the representation dated 2.11.2010 addressed to the (1) Hon'ble President of India; (2) Hon'ble Prime Minister of India;

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and (3) Hon'ble Chief Justice of India is enclosed herewith and marked as Annexure-C. The said representation dated 2.11.2009 was forwarded to the Ministry of Law & Justice, wherefrom the representation sent to the Hon'ble Prime Minister was forwarded in original to the Registrar (Judicial) for redressal of the grievances vide communication dated 13.9.2010, and likewise the representation addressed to Hon'ble President of India was also forwarded in original to the Registrar (Judicial), for redressal of the grievances vide communication dated 20.9.2010, but all in vein, because this representation was neither put up before the Court for taking judicious note of the same nor the same was placed before the Hon'ble Chief Justice in the administrative capacity, and the Registry had sit tight over the said representation. The copies of the communications dated 13.9.2010 and 20.9.2010 are enclosed herewith and marked as Annexure-D and Annexure-E respectively."

(emphasis is ours)

8. In order to support the impropriety and wrongfulness expressed in the letter; dated 27.12.2010, Suraz India Trust had appended a number of enclosures with its above letter (dated 27.12.2010). One of the letters to which our pointed attention was drawn, had been addressed to Smt. Pratibha Patil - the then President of India. The subject of the aforesaid communication reveals, that the same was addressed to the President of India, besides the Prime Minister of India, and the Chief Justice of India. This course of action had been adopted, according to the petitioner, to draw their attention against the Supreme Court of India, for having acted in contravention of the law. The opening paragraph of the instant communication, dated 2.11.2009, depicts the crux of the grievance of the Suraz India Trust. The same is reproduced below:

"1. That at the very outset, it is humbly submitted that when a person violates the provisions of the law of the land, it amounts to civil/criminal wrong, but when the Courts of law does not follow the provisions of law enacted for adjudication of the matters of litigants and commits judicial dishonesty, what is the remedy to such a victim? Nothing can be more serious than such judicial dishonesty. There are various orders of Courts and Competent Authorities in the matters of petitioner which are not being complied with resulting into contempt of Court, but of no avail."

(emphasis is ours)

A 9. Having understood the tenor and text of the grievances of Suraz
India Trust, it is also necessary for us to observe, that disparaging remarks
were contained therein, not only with reference to Judges of the
Rajasthan High Court, but also with reference to Judges of this Court.
With reference to the three Judges of the Rajasthan High Court, besides
B the Chief Justice, the views of Suraz India Trust, are contained in
paragraph 9 (of the communication dated 27.12.2010). The same is
essential to understand the tenor of the grievance of the Trust, and is
therefore being extracted hereunder:

C “9. That it is humbly submitted that it appears that the Registrar
(Judicial) Shri T. Sivdasan and Assistant Registrar PIL (Writ)
Shri Vimal Jaitely have come in rescue of judiciary of Rajasthan.
The petitioner has filed a Contempt Petition against the then
D Chief Justice of Rajasthan Shri Narayan Roy and three Judges
of Rajasthan High Court which was diarized at Diary no. 28301
of 2010 on dated 7.9.2010. But the same is not being placed
before the Bench for its adjudication deliberately, and possibility
of rejection of the same on technical grounds by the Registry
cannot be ruled out, even when the contempt is said to be
committed against the Court and it is between the Court and
contemnor. On the one hand, the contempt petition is not being
E placed before the appropriate bench for adjudication and on the
other hand, the Rajasthan High Court at Jodhpur is not issuing
notice even after hearing the matter various times in contempt
petition no. 1/2006 (Rajiv Daiya vs. Umesh Garg & another) nor
the subordinate judiciary (presently pending before the Judge,
F Economic Offences, Jodhpur) is getting compliance of summons
(even after the specific orders of High Court in Cr. Misc. Petition
no. 626/2001 Rajiv Daiya vs. State of Rajasthan) which is lying
pending at the stage where it was in the year 1999, nor anything
is being done from year 2004 in criminal trial initiated on the
G complaint of the petitioner side in Cr. Case no. 210/2004 (State
vs. Chandraveer Singh & Ors.) pending before Munsif & Judicial
Magistrate no. 3, Jodhpur. It can safely be inferred from the
above facts and circumstances that the judiciary of Rajasthan is
in collusion with the Registry of Hon’ble Supreme Court which
is waiting for end of litigations filed by the petitioner and pending
H adjudication before the Hon’ble Supreme Court, so that they
can proceed thereafter in above narrated pending matters and

pass the orders in these cases according to their whims and fancies. Therefore, these matters are almost kept in abeyance from last so many years, and nothing is being done in these cases. This corroborates and supports the allegations of the petitioner against the High Court of Rajasthan and its subordinate judiciary so also the Registry of Supreme Court which is vehemently prejudiced to the petitioner.”

(emphasis is ours)

10. Insofar as Judges of this Court are concerned, the position adopted by Suraz India Trust is apparent from the factual narration recorded in the first enclosure (to the letter dated 27.12.2010), dated 8.10.2010. The instant communication, dated 8.10.2010, was addressed to Shri T. Sivdasan, Registrar (Judicial) and Shri Vimal Jaitely, Assistant Registrar, PIL (Writ). Suraz India Trust, in the above letter, indicated the details of various matters in which the Trust has approached this Court. The remarks with reference to this Court, were recorded in paragraph 7 thereof, which is reproduced below:

“7. That the applicant apprehended that he cannot ventilate his grievance against the Justice Imparting Agency, and therefore, he was hesitant to approach the Hon’ble Supreme Court, which is clear from the notice dated 25.2.2009 (annexed with complaint dated 2.11.2009 at pages 11 to 13), he had made a specific submission that he cannot get justice from Hon’ble Supreme Court, Paras 1 to 6 of the said notice dated 25.2.2009 are reproduced hereinunder for ready reference:

“1. That at the very outset, it is humbly submitted that under the legal framework of the Constitution, the People of India govern themselves through the Functionary of Executive as per the statutory provisions promulgated under the system as enshrined in our Constitution, and the judiciary has been bestowed upon the power to adjudicate the disputes and controversies brought before it, as per the provisions of law. The Supreme Court and High Courts under Article 32 and 226 vest the right to test the legislative law at the anvil of Chapter III of the Constitution of India under extra ordinary jurisdiction meaning thereby that the Constitution of India is supreme in our country, and the Judges and Chief Justice of High Courts take oath to uphold the Constitution and laws of the land while entering into their offices.

- A 2. That since the applicant has moved the Mercy Petition to the
B Hon'ble President of India when he has experienced time and
 again that the higher judicial officers have come in rescue of
 lower judicial officers, and the applicant being the victim of
C judicature of Rajasthan as he is victim of all the tiers of the
 judiciary of Rajasthan which includes the Judicial Magistrate,
D Assistant Chief Judicial Magistrate/Chief Judicial Magistrate,
 Additional District Judge/District Judge, Dy. Registrar/Addl.
 Registrar, Registrar General, High Court Judges including Chief
 Justice, and with this view, he has not approached the Hon'ble
 Supreme Court because there is every likelihood that now the
 Hon'ble Supreme Court may come in rescue of Judicature of
 Rajasthan. To make it more clear your attention is drawn that
 there are three Judges presently holding the office in the Hon'ble
 Supreme Court who have relation not only from Rajasthan but
 from Jodhpur, and as experienced so far by the applicant he has
 reason to apprehend that he cannot get justice from Hon'ble
 Supreme Court. Taking this view into matter, the applicant
 considered it appropriate to make a complaint in the form of
 Mercy Petition so as to be considered by the Hon'ble President
 of India himself being the Appointing and Terminating Authority
 and with further view that the applicant would be provided ample
 opportunity of hearing as he has bulky material so as to prove his
 contentions by making order for enquiry as was conducted in
 the case of Hon'ble Justice of Kolkata High Court Shri Somesh
 Mitra, and thereafter, the Hon'ble Chief Justice of India Shri
 K.G. Balakrishnan has recommended his case for impeachment.
- F 3. That the applicant has not approached the Hon'ble Supreme
 Court on yet another ground that the applicant sought various
 information from the Public Information Officer, Rajasthan High
 Court, Jodhpur, wherein there is a non-responding attitude of the
 First Appellate Authority under RTI Act. The applicant moved
 to the Hon'ble President of India so that the record of the High
 Court may be called that may prove the contentions of the
 applicant, so as to make out he (sic) of contempt of Hon'ble
 Supreme Court with incomplete material in aforementioned
 circumstances.
- G 4. That it is out of place to mention here that the applicant has a
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reasonable apprehension that the Ministry of Law and Justice is trying to suppress the complaint of the applicant so as to avoid enquiry into the matter allowing the applicant to put up the material on record as a piece of evidence. The applicant has experienced that higher judicial officers have come in rescue of lower judicial officers, but it is experience for the first time that the President Secretariat so also the Ministry of Law & Justice has come in rescue of Judiciary which has drafted the bill for making complaints against the Judges. Whether the action of bringing the said bill into Parliament is merely an illusion?

5. That the notice of contempt petition upon six Judges of Rajasthan High Court including the Chief Justice is merely an iceberg seen out of the water to your goodself, there is a very big piece of ice floating beneath the water surface which has remained unseen and if come into limelight, may prove a BURNING SCAM of the country and the name of your goodself may found place in the pages of the history. Admittedly, neither your goodself nor the Ministry of Law and Justice is competent to make any interference in the judiciary which is clear from the order of dismissal dated 5.2.2009. Under such circumstances, it is in the interest of justice that the Mercy Petition dated 29.9.2008 and Complaints dated 14.11.2008 and 22.12.2008 deserves to be either placed before the Hon'ble President of India for decision or in the alternative, the same may be forwarded to the Hon'ble Supreme Court of India which is competent to proceed into the matter under the provisions of Article 129 of the Constitution of India. In case of any hindrance and obstruction on your part will certainly amount to obstruction in administration of justice and punishable for contempt of Hon'ble Supreme Court.

6. That it is a case where the faith of applicant has been lost in judiciary/justice imparting agency, and it is the pious duty of the President Secretariat being the part and parcel of the Parliament to honour the Sovereign of the Nation 'We the people of India'. Therefore, the Mercy Petition dated 29.9.2008, Complaints dated 14.11.2008 and 22.12.2008 may either be put up before the Hon'ble President of India or in the alternative to forward the same to the Hon'ble Supreme Court with the recommendation to place the same before the Bench comprising of Hon'ble Chief

A Justice of India he being the head of the Judiciary for taking such decisions in light of the law laid down in the case of K. Veeraswami vs. Union of India by Constitutional Bench of Hon'ble Supreme Court (reported in JT 1991 (3) SC 198). If the applicant still remains unheard, the President Secretariat the more particularly Your goodself will be solely responsible for the consequences. The concerned abstract of the law laid down in the case of K. Veeraswami is reproduced for ready reference:-

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C “Undoubtedly, respect for the judiciary and its public credibility and dignity has to be maintained in order to ensure respect for the Judges in public and also for the decisions rendered by the Judges... If these things are allowed to go unnoticed it will create serious inroad on the dignity, respect and credibility and integrity of the high office which a Judge of the Supreme Court and of the High Court occupies resulting in the erosion on the dignity and respect for the high office of the Judges in the estimation of the public. As has been suggested by my learned Brother Shetty, J. that the President is given the power to appoint the Judges of Supreme Court as well as of the High Court by warrant under his hand and seal and similarly even after passing an address by both the Houses of the Parliament in the manner provided in Article 124, clauses (4) and (5) and (sic) placed before the President, a Judge cannot be removed from his office unless an order to that effect is passed by the Parliament.... In order to adequately protect a Judge from frivolous prosecution and unnecessary harassment the President will consult the Chief Justice of India who will consider all the materials placed before him and tender his advice to the President for giving sanction to launch prosecution or for filing FIR against the Judge concerned after being satisfied in the matter.”

(emphasis is ours)

G A perusal of the highlighted portion of the letter reproduced above reveals, that the Trust had cast serious aspersions against three Judges of the Rajasthan High Court, besides its Chief Justice. It is also apparent from the extract reproduced above, that Suraz India Trust had also allegedly issued notices of contempt, to six Judges of the above High Court, besides its Chief Justice. This vilification extended to all levels of judicial officers

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in the State of Rajasthan, including District Judges, Additional District Judges, Chief Judicial Magistrates, Assistant Chief Judicial Magistrates and Judicial Magistrates. The condemnation of the Trust, included officers of Rajasthan High Court, including its Registrar General, Additional Registrars and Deputy Registrars. The Chairman of the Trust had written the above letter to the then President of India, by assuming the position, that he did not expect any justice from the Supreme Court, as there were then, three Judges of the Rajasthan High Court, in this Court. In this veiled narration, the Trust clearly identified the concerned Judges of this Court. The denunciation in the above letter, extended even to the Ministry of Law and Justice, as the Chairman of the Suraz India Trust felt, that it would rescue the judiciary, by suppressing its complaints.

11. The presentation of Suraz India Trust, during the course of hearing, through its Chairman - Mr. Rajiv Daiya, was indeed disturbing, in view of the insinuations levelled not only against six Judges of the Rajasthan High Court, besides its Chief Justice, but also against three Judges of this Court, besides its Chief Justice. Mr. Rajiv Daiya was very candid in explaining to this Court, that the factual position depicted in the latter part of the above letter (which has been extracted hereinabove), was indeed the truth, and emerged out of his actual and personal experiences.

12. In order to demonstrate, the truthfulness of the position expressed in the foregoing paragraph, Mr. Daiya placed reliance on an order passed by this Court, in Suraz India Trust vs. Union of India (Writ Petition (C) no. 204 of 2010), wherein, a two-Judge Division Bench of this Court inter alia observed in its motion-Bench order dated 4.4.2011, as under:

“13. At this juncture, Mr. Ganguli as well as Mr. Vahanvati have submitted that even at the stage of preliminary hearing for admission of the petition, the matter requires to be heard by a larger Bench as this matter has earlier been dealt with by a three Judges Bench and involves very complicated legal issues.”

(emphasis is ours)

It was the submission of Mr. Daiya, that the Division Bench dealing with the above writ petition, filed by Suraz India Trust, had framed ten important issues for adjudication, on the subject of appointment of Judges under Article 124(2) of the Constitution of India. It was submitted, that given

A the importance of the issues framed, the two-Judge Division Bench which had heard the matter, had expressed the view, that the matter required to be heard by a larger Bench. It was also pointed out during the course of hearing (as was indicated in the order, itself), that the matter had earlier been heard by a three-Judge Bench. It was submitted, that when
B the same case came up for hearing on 9.11.2012, it was placed before a three-Judge Bench (including, the then Chief Justice of India). Noticing the fact, that in the earlier order dated 4.4.2011, the writ petition had been referred to a larger Bench (see, order extracted above), the Bench hearing the matter on 9.11.2012, directed the files of the case to be placed before the Chief Justice, for appropriate orders. It was the
C submission of Mr. Daiya, that the earlier judgments, on the issue, were rendered by a Bench of nine Judges, and accordingly, in terms of the order passed by the Division Bench on 4.4.2011, it ought to have been placed for consideration, before a still larger Bench. It was the submission of Mr. Daiya, that despite the above clear position, the Chief Justice, exercising his administrative discretion, posted the matter for hearing, yet again, before a three-Judge Division Bench. It was submitted, that
D the three-Judge Bench constituted by the Chief Justice (in furtherance of the order, dated 4.4.2011), heard the matter on 7.1.2013, and dismissed the same, by passing the following order:

E “Having considered the submissions made by Mr. A.K. Ganguli, learned senior counsel, with regard to the maintainability of the writ petition and the prayers made therein, we are not inclined to entertain the writ petition, which is accordingly dismissed.”

F 13. It was submitted, on the basis of the factual position recorded in the preceding paragraph, that the posting of the case before a three-Judge Bench, by the then Chief Justice, was in clear disrespect, disregard and derogation, of the order dated 4.4.2011. It was submitted, that the writ petition filed by Suraz India Trust, wherein, ten important issues were crystalized for consideration was summarily dismissed on 7.1.2013,
G by the three-Judge Bench. This determination, by the members of the Division Bench, was attacked by Suraz India Trust, as being in disregard of all norms of law and propriety.

H 14. It was the submission of Mr. Daiya, that all further actions and endeavours adopted at the behest of the Trust, were stonewalled. It was explained, that all these efforts of the Trust were only aimed at

seeking the enforcement of the order dated 4.4.2011. The actions of the Trust, as indicated above, included Contempt Petition (C) no. 20400 of 2013, which was filed by Suraz India Trust, against the then Chief Justice of India, as the contemnor. It was pointed out, that the Registry of this Court unfairly lodged/filed the above contempt petition. The Registry; it was submitted, was duty bound to place the same for consideration on the judicial side. The Trust, therefore filed Contempt Petition (C) no. 22286/2014, against the then Secretary General of this Court, as the contemnor. It was pointed out, that the above contempt petition was also unfairly lodged/filed, and was not placed before the Court, for its consideration on the judicial side. It was submitted, that repeated endeavours of Suraz India Trust, on the administrative side, and on its judicial side, were treated with abject apathy, and led to prompt rejection, without any consideration. It was pointed out, that all the efforts of the Suraz India Trust, were completely devoted to public interest. It was also the contention of Mr. Daiya, that none of the matters filed before this Court by Suraz India Trust, was ever decided on merits. It was submitted, that on all occasions (while dealing with matters, filed by the Trust), this Court had expressed the view, that it was not inclined to entertain the matter, and therefore, rejected the same. It was submitted, that it was in the above background, that Suraz India Trust had had to approach this Court, in all the 64 matters.

15. Mr. Rajiv Daiya while concluding his submissions contended, that he should be provided assistance of an amicus curiae, so that, the true and meaningful efforts of Suraz India Trust, can be highlighted before this Court, so that the legitimacy of its causes, can best be appreciated. By the time Mr. Daiya concluded his submissions, it was 1.00 P.M. Mr. Daiya had taken over one and half hours, of this Court's judicial time. And at that, of a three-Judge Bench. Having heard him arguing in person, we were individually satisfied, that Mr. Daiya could express his views clearly, and could explain his position unambiguously. He could bring out the nuances of his views, in the manner perceived by him. He could also project his insinuations, as he understood them, without any difficulty. After concluding his submissions, as have been noticed above, Mr. Rajiv Daiya made a canny remark - that in his understanding, we were not inclined to allow him the assistance of an amicus curiae. The above remark, confirmed to us, that besides his astuteness, he had the ability to convey his impressions, without any awkwardness.

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A 16. All that can be said is, that he has understood the position in
which he was placed (consequent upon the issuance of the show cause
notice, to him), correctly. Having heard Mr. Daiya at considerable length,
and keeping in mind the manner in which he assisted us, as also, his vast
experience in appearing before Courts at all levels, we are of the view,
B that his request to be provided with a counsel, has necessarily to be
declined. We accordingly decline the same.

 17. After we declined the request of Mr. Rajiv Daiya, to be provided
with professional assistance, he made the required undertaking, as a last
ditch effort... and as a desperate final attempt, that Suraz India Trust
would henceforth, not file any public interest litigation. In other words,
C he desired us to accept the liberty which we had afforded to him, at the
outset, after his long-drawn submissions. Mr. Rajiv Daiya also requested
us, that his statement be so recorded. We have painstakingly narrated
the entire sequence of facts, as they unfolded during the course of
hearing. We also hereby, record his undertaking to this Court, as he
D suggested.

 18. We shall now deal with the consequence of the notice issued
to Suraz India Trust, vide our order dated 27.3.2017. Before we venture
to do so, at the cost of repetition, we may note, that Mr. Daiya did not
find any fault, factual or otherwise, with the veracity of the narration
E extracted hereinabove, which was recorded in open Court, in the presence
of a packed Court-hall, where learned counsel were waiting for the turn,
whilst Mr. Daiya merely advanced his submissions.

 19. It is also necessary to again notice (though in a different
context), that at the beginning of our consideration, Mr. Rajiv Daiya had
F made a request to us, to render him assistance, by appointing an amicus
curiae, as he himself was not fully qualified to pursue the cause raised in
the main writ petition. We have already recorded the reasons of our
rejection, of his request. This aspect, however, requires an examination
from another point of view, because when the petitioner – Suraz India
Trust had approached this court by filing Writ Petition (C) no. 204 of
G 2010, this Court had recorded the following observations in respect of
Mr. Rajiv Daiya himself:

“2. As Mr. Rajiv Daiya, Chairman of the Trust appeared in person
and was not able to render any assistance to the Court, thus, we
requested Mr. A.K. Ganguli, learned Senior Counsel alongwith
H Mr. Bharat Sangal to assist the Court as amicus curiae. The

petition raises large number of complicated issues. Meanwhile, we also sought assistance of the learned Attorney General for India.”

(emphasis is ours)

We find no contradiction in the position expressed above, and the inference drawn by us. We may only state, that he may not be in a position to project complicated questions of law, but he certainly had no difficulty in explaining and clarifying factual issues. In this context, we find it difficult to comprehend, why the petitioner – Suraz India Trust, had approached this Court again and again. Mr. Rajiv Daiya personally represented Suraz India Trust, in all Court proceedings. He was individually found to be incompetent to render assistance, on complicated legal issues. Through the present writ petition, the Trust has prayed for a declaration, that Section 3 of the Judges (Enquiry) Act, 1968, be held unconstitutional, being violative of Article 124(4) of the Constitution. In the present writ petition it is also the prayer of the petitioner, that this Court declare, that the provisions of the Judges (Enquiry) Act, 1968 are violative of Article 14 of the Constitution, and as such, the entire enactment be set aside. Why should a Trust be pursuing such a cause? Even if the prayers made in the petition were to be accepted, who would benefit therefrom? One would wonder, whether this petition had been filed bona-fide? Or, is this petition, a proxy litigation? For the present consideration, it is not necessary for us to go into all these questions. But these are certainly issues of concern, specially when, the same petitioner has been approaching this Court again and again, always on complicated legal issues.

20. Before venturing to arrive at an affirmative view, on the show cause notice issued to the petitioner, it is necessary for us to deal with the submissions advanced by Mr. Daiya, on the basis of the order passed by this Court, on 4.4.2011. The alleged non-compliance of the above order, constituted the thrust of his submissions. In the above order, passed in Writ Petition (C) no. 204 of 2010, all that this Court had observed in paragraph 13 (extracted above) was, that given the importance of the issues involved, the case required to be heard by a larger Bench. It was also noticed, in the same order dated 4.4.2011, that on an earlier occasion, a three-Judge Bench of this Court had heard the same matter. The order in question (dated 4.4.2011) was passed by a two-Judge Division Bench. The petitioner felt, for the reasons expressed above, that the

A case needed to have been placed before a Bench of at least eleven-Judges. We find no justification in the instant inference drawn by Mr. Daiya. The two-Judge Division Bench, on 4.4.2011, merely required, that the matter be heard by a larger Bench. Again when the matter was taken up on 9.11.2012, it was listed before a three-Judge Bench, presided over by the Chief Justice, when the following order was passed:

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“Since by the order of 4th April, 2011, this matter has been referred to a larger Bench, let the matter be placed before the Hon’ble the Chief justice of India, for appropriate orders.

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In the meantime, notice may issue to the respondent no. 1, as also to the learned Attorney General for India, who has already appeared in the matter.”

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It is not possible for us to infer from the aforesaid order, that there was any expression of opinion by the Bench (which passed the order dated 9.11.2012), that the matter needed to be placed before a Bench of eleven-Judges (- or, before a Bench comprising of more than three Judges). In fact, in our view, no definitive position whatsoever, was expressed in the above order. The only inference, that could legitimately and logically be drawn from the order dated 9.11.2012 was, that the earlier Bench by its order dated 4.4.2011 had referred the matter to a larger Bench. The order dated 4.4.2011 had recorded, that the matter was previously heard by a three-Judge Bench. The above indication in the order dated 4.4.2011 would be irrelevant, if the intent expressed through the order dated 4.4.2011, was to be understood in the manner comprehended by Mr. Rajiv Daiya. It could only have been understood to mean, that the matter be posted before a three-Judge Bench. Nonetheless, the order dated 9.11.2012, required the Chief Justice to take a conscious decision in that behalf. And accordingly, when the matter was placed before the Chief Justice for appropriate orders on the administrative side, the then Chief Justice posted the case for hearing before a three-Judge Bench. This decision of the Chief Justice was in consonance with the order passed on 4.4.2011. Since the order dated 4.4.2011, was passed by a two-Judge Bench, when the Chief Justice ordered the case to be listed before a three-Judge Bench, the Chief Justice fully complied with the order of 4.4.2011. The assumption, that the petition ought to have been listed before an eleven-Judge Bench (- or, before a Bench comprising of more than three Judges), is a matter of the petitioner’s imagination, and is not founded on any legal basis.

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21. When the case (Writ Petition (C) no. 204 of 2010) was heard by the three-Judge Bench on 7.1.2013, the same was dismissed. The understanding of the petitioner, that the matter was wrongfully placed before a three-Judge Bench, and thereafter, was wrongfully dismissed by the three-Judge Bench, obviously lacks any justification (for the reasons recorded, in the foregoing paragraphs). We are, therefore satisfied, that the inferences drawn by Mr. Rajiv Daiya, were the result of his lack of maturity and understanding, of legal issues. The observations recorded by this Court (on an earlier occasion), that Mr. Daiya was not competent to assist this Court on legal issues, is therefore, hereby endorsed.

22. As recently as in January, 2017, Suraz India Trust filed the present Writ Petition (C) no. 880 of 2016 incorporating the following prayers:

"15. MAIN PRAYER

It is, therefore, humbly prayed that by an appropriate writ, order or direction, this Hon'ble Court may graciously be pleased to:

(a) to declare the provisions of Section 3 of the Judges (Enquiry) Act, 1968 as unconstitutional and void; the same being inconsistent and in contravention to the provisions of Article 124(4) of the Constitution of India;

(b) to struck down the provisions of Section 3 of the Judges (Enquiry) Act, 1968 being unconstitutional and against the basic structure of the Constitution;

(c) to declare that provisions of Judges (Enquiry) Act, 1968 are in violation to Article 14 of the Constitution of India;

(d) to pass any other as this Hon'ble Court may deem just and proper in the interest of justice in the facts and circumstances of the present case."

We are, yet again constrained to observe, why should the Trust be pursuing such a cause? We would choose to say no more.

23. After Writ Petition (C) no. 204 of 2010 was dismissed (- on 7.1.2013), this Court was repeatedly approached by Suraz India Trust, to assail the order dated 7.1.2013 through a variety of routes, including contempt petitions (fully detailed above), questioning the legitimacy of listing of the above writ petition for hearing, before a three-Judge Bench.

A All these challenges were impermissible in law. These challenges completely lacked jurisdiction. The narration recorded hereinabove, leaves no room for any doubt, that Suraz India Trust's actions, in repeatedly invoking the jurisdiction of this Court, were clearly uncalled for. In 64 of the cases, when Suraz India Trust approached this Court, as per the details indicated above, it did not find any success whatsoever, and not a single direction, ever came to be issued by this Court, out of its repeated endeavours. No one, who does not understand the nicety of legal issues, as has been demonstrated by the actions of Suraz India Trust, can be permitted to endlessly waste Court time. The different contempt petitions filed by Suraz India Trust, against a Chief Justice (whilst he was still in office), and against the Secretary General of the Supreme Court, amongst others, were wholly groundless, baseless and ill-founded.

24. The waste of judicial time of this Court, is a matter of serious concern. The course of action adopted by the petitioner (despite its alleged, bona fide intention), was not in consonance with law. When the petitioner did not get the orders that it hoped for (or, felt it was entitled to), the petitioner pointedly expressed its anger, towards all and sundry... and even by name. The petitioner took its grievance, to the highest executive functionaries in this country. The petitioner agitated its claim, by airing its grievances to the Chief Justice of India and the Judges of this Court - at their private residences. The petitioner aired its protestation, even against the Secretary General of the Supreme Court. These officers were targeted because they had filed/lodged matters filed by Suraz India Trust, for the simple reason, that they were not maintainable. Having considered the same, we are satisfied, that the administrative determination by officers of the Registry of this Court, was fully justified.

25. The posting of a matter filed by the petitioner, by the then Chief Justice, before a three-Judge Bench, was also a matter which was unnecessarily agitated repeatedly. Even by filing contempt petitions against the then Chief Justice himself. Filing contempt petitions, one after the other, on issues which lacked justification, also highlighted the Trust's illegitimate misadventures. Mr. Rajiv Daiya, appearing for the petitioner Trust, is an emboldened persona. He has expressed his ire even against six Judges of the Rajasthan High Court, including its Chief Justice, and against three Judges of the Supreme Court, besides its Chief Justice. We are of the view, that all these actions of the petitioner, were

wholly unjustified. Mr. Rajiv Daiya did not attempt, to even make the slightest effort, to reason out the same, or to demonstrate the veracity of his actions. Having gone through the hearing, over a length of time expressed hereinabove, the least we can say is, that the petitioner has been seriously remiss, in his judicial interventions. A

26. Extremely important matters are taken up for consideration on a daily basis, and they lag behind sometimes, because individuals who were not competent to assist this Court, insist without due cause, to be granted a prolonged hearing. Hearing is sometimes sought (as in the instant case) even in matters, which the petitioners themselves are incompetent to understand and handle. All such misadventures have to be dealt with sternly, so as to prevent abuse of judicial time. Specially by such individuals, who freely cast imaginary and scandalous accusations, in making out their submissions. We could have initiated sterner action against Mr. Rajiv Daiya, for the position canvassed by him, against the Judges of the Rajasthan High Court, as also, of this Court. We, have restrained ourselves from any strong handed approach, just for once. In future, such leniency may not come by. But this order, should be considered as a warning enough, for the future. B C D

27. It is however not possible for us, to let off Suraz India Trust, without any remedial consequences, for its filing of misconceived petitions. We therefore hereby direct, that Suraz India Trust shall henceforth refrain itself absolutely, from filing any cause in public interest, before any Court in this country. Similarly, Mr. Rajiv Daiya shall absolutely refrain himself from filing any cause in public interest, either directly or through any other individual, hereinafter, in any Court. In all pending matters, whether before this Court or before any other High Court, which may have been initiated by Suraz India Trust and/or by Mr. Rajiv Daiya, as a cause in public interest, it shall be imperative for Suraz India Trust/ Mr. Rajiv Daiya, to place the instant judgment/order on the record of the case, in case the petitioner decides not to withdraw the same unilaterally. E F

28. For the judicial time wasted by Suraz India Trust, we consider it just and appropriate to impose exemplary costs on it. This is imperative, as it would discourage, the instant nature of indiscretion, not only at the hands of Suraz India Trust, but also at the hands of other similarly placed individuals, who may have been emboldened, to adopt the course treaded by Mr. Rajiv Daiya. The costs imposed on the petitioner are hereby quantified as Rs.25 lakhs (Rupees twenty five lakhs only). The aforesaid G H

A costs shall be deposited by Suraz India Trust, with the Supreme Court Advocates on Record Welfare Trust, within three months from today. Failing deposit, the above costs shall be recoverable from Mr. Rajiv Daiya, its Chairman, through his personal proceeds, if necessary.

B 29. In case the petitioner does not deposit the aforesaid cost, within the time stipulated hereinabove, the Registry is directed to list the matter, for recovery of cost.

30. The instant writ petition is disposed of, in the above terms.

Ankit Gyan

Writ Petition disposed of.