

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

MA No. 170/2017 in IA No. 53217/2017 in CP(c) No...D. No. 122/2017
in TP(c) No(s). 999/2013

RAJIV DAIYA

Petitioner(s)

VERSUS

R.G. RAJASTHAN HIGH COURT AND ORS. Respondent(s)
(IA 53217/2017 appeal against Ld. Registrar's order dtd.
22.05.2017)

Date : 03-10-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
[IN CHAMBERS]

For Petitioner(s) None

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The petitioner has been filing proceedings, both in the individual capacity and as the Chairman of the Suraz India Trust. The petitioner had filed a Writ Petition No. 1949/2012 before the Rajasthan High Court arraying the Registrar General, Rajasthan High Court, the PPS to Chief Justice, Additional Chief Metropolitan Magistrate and the learned Judge of that Court as respondents styling it as a petition under Article 226 of the Constitution of India, making various allegations and seeking relief of restraint against the Additional Chief Metropolitan Magistrate from proceeding further in the trial proceedings in case No. 950/2010. A Transfer

Petition(c) No. 999/2013 was filed before the Court seeking transfer of this petition to the Delhi High Court or any other High Court in the country. The request was declined vide order dated 04.03.2016, but a request was made to the Chief Justice of the High Court for listing the Writ Petition before an appropriate Bench for appropriate orders in accordance with law, as far as possible, within four weeks from the date of a copy of this order being placed before the High Court.

A Contempt Petition has been filed before this Court impleading the Chief Justice of the Rajasthan High Court by name (as he then was) alleging that the aforesaid was a direction of the Supreme Court and has not been complied with. The Registry pointed out various defects vide letter dated 10.01.2017, 16.02.2017 and 29.04.2017, seeking rectification by the petitioner within 28 days, but the petitioner is stated not to have come forward. Lodgement order was, thus, passed on 22.05.2017, on the ground that no steps have been undertaken for removal of defects. The defects pointed out are as under:

1. You have made, the Chief Justice of Rajasthan High Court as party respondent.
2. Application for permission to appear and argue-in-person addressed to the Registrar not to the Chief Justice of India.
3. You have not filed complete set of Paper books of Transfer Petition(c) No. 999/2013.

It may be noted that in response to the letter dated 10.01.2017, the petitioner wrote on 10.03.2017, stating

that he was removing defect No. 3 and qua defect No. 1, since the direction was against the Chief Justice, he was entitled to implead the Chief Justice by name.

The order dated 22.05.2017 is assailed in this appeal.

The office report shows that service has been effected on the petitioner through e-mail.

The orders passed by the Bench presided over by the then Chief Justice of India Justice Jagdish Singh Khehar, a three judges Bench, to which I was a party, was called from the Registry. This order is passed in Writ Petition(c) No. 880/2016 on 01.05.2017. The order sets forth a Saga of the various proceedings filed by the Petitioner-in-person on behalf of the trust.

The conclusion was that Suraz India Trust actions in repeatedly invoking the jurisdiction of this Court was clearly uncalled for. The Contempt Petitions filed by the Trust through the petitioner, against Secretary General of the Supreme Court amongst others was also found to be groundless and baseless and there was tremendous wastage of judicial time. The Trust was restrained from filing any cause and public interest before the Court in this country. Similarly, the petitioner was also refrained from filing any cause in public interest, either directly or through any other individual in any Court. A cost of Rs.25 Lakhs was imposed on the Trust.

The aforesaid details have been set out to show that the petitioner-in-person or through Trust has been entering into unnecessary litigations and now the defects pointed out have not been removed. Application

to appear in person has not been correctly addressed. There is no need to implead the then Chief Justice as a party by name.

I am also of the view that keeping in mind the spirit of the order referred to aforesaid, there is no reason to permit the petitioner to canvass his case in person.

For the aforesaid reason, the appeal against Id. Registrar is dismissed.

(SONALI SAUND)
SENIOR PERSONAL ASSISTANT

(SNEH LATA SHARMA)
COURT MASTER