

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2017
(D. NO.2565 OF 2017)

MS. ANINDITA & ANR. ... Petitioners

VERSUS

PRANAB KUMAR MUKHERJEE & ORS. ... Respondents

O R D E R

None appears for the petitioners.

Regard being had to the *lis* put forth, we do not intend to further adjourn the matter.

The writ petition preferred under Article 32 of the Constitution, if we allow ourselves to say so, is absolutely the product of disgruntled minds obsessed with their own litigation. They have imagined situations which are beyond realm of any kind of justiciability. The Constitution Bench of this Court in Rameshwar Prasad & Ors. vs. Union of India & Ors. [(2006) 2 SCC 1] has clearly held that the President of India cannot be arrayed as a party to the litigation. Despite the said pronouncement, the petitioners being emboldened by some kind of imaginative faculty have described the President as Respondent No.1.

The prayer in this writ petition is basically for issue of a *quo warranto* declaring that the respondent no.2 is not eligible to

hold the post or alternatively to issue a writ of mandamus not to continue on the post in question. It has also made allegations with regard to the recommendations made by the 2nd respondent herein.

The petitioners who are litigants had approached this Court in certain special leave petitions and could not meet with success. They might have their own perspective regarding the procedure followed in hearing of their special leave petition (SLP (C) No.6038 of 2016) and also disposal of their review petition (Review Petition No. 2815 of 2016) but their perspective cannot be regarded as absolute as they conceive. Their individual grievances do not confer any right on them to file a writ petition of the present nature. It is an assault on the Constitution, more so, when the high constitutional authorities are involved. They have, with incurable audacity, made allegations against the respondent Nos.2 and 3 which are absolutely unacceptable and, in fact, can never be conceived of. No litigant can be permitted to browbeat or malign the system. This is essential for maintaining the integrity of the institution and the public confidence in the delivery of justice. It is sheer malice. The question of issuance of any kind of writ does not arise. On the contrary, we are disposed to think that the grievance that has been agitated is absolutely unjusticiable. We are obliged to state that the petitioners, having filed this petition, have not remained present in Court but we have perused the petition in detail. The petition, to say the least, is vexatious and, in fact, is an expression of pervert proclivity.

We would have dismissed the writ petition with exemplary costs but we do not intend to do so. However, we observe that in future the petitioners shall be debarred from filing any kind of public interest litigation in any constitutional court and none of their petition under Article 226 or Article 32 of the Constitution shall be entertained unless they are personally grieved. If the petitioners deviate from this direction, they shall be liable for contempt of this Court.

At this juncture, we are obliged to say that a litigant has space as far as he is concerned in the justice dispensation system, but he cannot assume the role that he is the monarch of all he surveys. His ego, however colossal it may be, deserves condemnation and we do decry.

We repeat at the cost of repetition that the petition is absolutely malicious, vexatious and unjusticiable and accordingly has to pave the path of singular consequence, that is, dismissal. And we so direct.

.....,J.
(Dipak Misra)

.....,J.
(R. Banumathi)

New Delhi;
January 30, 2017.

ITEM NO.40

COURT NO.2

SECTION X

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

Writ Petition(s) (Civil) Diary No(s). No(s). 2565/2017

MS. ANINDITA & ANR.

Petitioner(s)

VERSUS

PRANAB KUMAR MUKHERJEE & ORS.

Respondent(s)

(office report)

Date : 30/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Petitioner-in-person, (NP)

For Respondent(s)

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

None appears for the petitioners.

The writ petition is dismissed in terms of the signed order.

(Gulshan Kumar Arora)
Court Master(H.S. Parasher)
Court Master

(Signed order is placed on the file)