

Sudipt Mazumdar vs State Of Madhya Pradesh on 29 November, 1982

Equivalent citations: (1983)2SCC258, AIR ONLINE 1982 SC 4, 1983 (2) SCC 258

Bench: E.S. Venkataramiah, S. Murtaza Fazal Ali

ORDER

The following questions arise for consideration in the writ petition :

1. Should this Court take notice of such letters addressed by individuals by post enclosing some paper cuttings and take action on them suo motu except where the complaint refers to deprivation of liberty of any individual ?
2. Should such letters be sent to the Supreme Court Legal Aid Society by the Registrar with a request to examine whether there is any prima facie case which requires to be considered by this Court and if it is felt that there is such a case to file a formal petition against appropriate parties after collecting necessary material ?
3. Can a stranger to a cause, be he a journalist, social worker, advocate or an association of such persons initiate action before this Court in matters alleged to be involving public interest or should a petitioner have some interest in common with others whose rights are infringed by some governmental action or inaction in order to establish his locus standi to make such a complaint ?
4. (a) Can this Court take action on such letters though there is no prima facie case of infringement of any fundamental right ?

(b) Even in cases where a fundamental right is stated to have been infringed, can this Court take action on such letters where there is no allegation that the person concerned is kept in illegal custody ?
5. Can this Court take action on such letters in matters for which remedy can be had in ordinary civil, criminal or revenue courts or other offices on the ground that a number of people are affected ? To be precise, if the complaint contains an allegation of encroachment of lands of one group or tribe by another group or tribe, can this Court direct the District Magistrate or the District Judge to enquire into the matter and to make a report to this Court ? Or should the parties be given necessary legal aid and referred to a local court having jurisdiction over the matter ?
6. Can this Court take action on letters addressed to it where the facts disclosed are not sufficient to take action ? Should these letters be treated differently from other regular petitions filed into this

Court in this regard and should the District Magistrate or the District Judge be asked to enquire and make a report to this Court to ascertain whether there is any case for further action ?

7. If after investigation, it is found that by such a letter a baseless complaint had been made, should not costs be imposed on the person who had written it? Can he be treated differently from others?

8. Should a petitioner who has an interest in common with others whose rights are alleged to have been infringed be exempted from paying court fees and from all other relevant rules of the Supreme Court when he writes a letter to this Court complaining about such infringement? Should all the relevant rules be suspended when a complaint is made through a letter?

9. If this Court can take action on such letters in such informal way, why should not the High Courts and other courts, authorities and officers in India also act in the same way in all matters?

10. Would such informality not lead to greater identification of the Court with the cause than it would be when a case involving the same type of cause is filed in the normal way?

Since these and other important questions arise for consideration in the above case, we feel that this case should be placed at this stage itself before the Constitution Bench to give proper guidelines on the various issues involved in it.

Let a copy of the letter addressed to Justice Bhagwati along with annexures and paper cuttings which form part of the writ petition be given to Dr. L.M. Singhvi, Senior Advocate whom we have appointed as amicus curiae in this very important matter. Dr. Singhvi has agreed to assist as amicus curiae. Let this case be placed before the Constitution Bench on December 1, 1982 subject to convenience 'for directions' Dr. Singhvi is permitted to take assistance of an advocate-on-record.