

ITEM NO.31

COURT NO.3

SECTION PIL(W)

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

I.A. No.D 84327/2016

In

Writ Petition (Civil) No.805/2015

SABU STEEPHEN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS

Respondent(s)

(With office report)

Date : 22/11/2016 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. Ranjit Kumar, SG
Mr. Gurmeet Singh Makker, AOR

Mr. Anand Grover, Sr. Adv.
Ms. Indira Jaising, Sr. Adv.
Ms. Meher Dev, Adv.
Ms. Vanshaja Shukla, AOR
Mr. Siddhartha K. Garg, Adv.
Lorraine Misquith, Adv.
Mr. Shreenidhi Rao, Adv.
Mr. Ajit Sharma, Adv.
Mr. Mayank Aggarwal, Adv.

Mr. Dushyant A. Dave, Sr. Adv.

Mr. Krishnan Venugopal, Sr. Adv.

Mr. V. Giri, Sr. Adv.

Mr. Gaurav Bhatia, Adv.

Mr. Mahaling Pandarge, Adv.
Mr. Nishant Katneshwarkar, Adv.

Mr. Sunil Fernandes, Adv.
Ms. Mithu Jain, Adv.
Ms. Astha Sharma, Adv.

Mr. Rakesh Kumar, Adv.
Mr. Mukul Singh, Adv.

Mr. Shashi Juneja, Adv.
Mr. Deepak Goel, Adv.

Ms. Anjali Sharma, Adv.
Ms. Sujeeta Srivastava, Adv.

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

Though this interlocutory application having Diary No.84327/2016 was lodged, being not maintainable, by the Registry on the ground that it relates to the conduct of other party appearing before the Court, on being mentioned by Mr. Anand Grover, learned senior counsel appearing for the person concerned, it was directed to be taken up at 3.00 p.m. and, accordingly, it was taken up. As the matter was mentioned at 2.00 p.m., we sought the assistance of Mr. Ranjit Kumar, learned Solicitor General and Mr. Dushyant Dave, the President of the Supreme Court Bar Association. Be it noted, at the time when Mr. Grover mentioned the matter, Mr. Gaurav Bhatia, the Secretary of the Supreme Court Bar Association also echoed the feelings expressed by Mr. Grover and sought leave to assist the Court. As the petitioner was present at that time, we fixed the time for hearing of the application at 3.00 p.m.

The petitioner has filed Writ Petition (C) No.805 of 2015, which pertains to the challenge to the Animal Birth Control (Dogs) Rules of 2001, framed under the Prevention of Cruelty to Animals Act, 1960. It is appropriate to note here that the case was listed along with the bunch of writ petitions and special leave petitions that relate to culling

of stray dogs. In the matter pertaining to culling of stray dogs, this Court heard the matter on 17th November, 2016.

Mr. Sabu Stephen, who has filed this interlocutory application, if we allow ourselves to say so, has crossed all sense of propriety, restraint, decorum and, in fact, demonstrated brazen sense of insensibility and insensitivity to the process of adjudication and dignity for women. When a public spirited person advocates for a cause which he feels is a public cause and this Court entertains the public interest litigation, more additional responsibility has to be cultivated by the petitioner. When we say responsibility, we mean responsibility to conduct the litigation and also to have a sustained effort to learn how to conduct in Court.

When the petitioner's public interest litigation was entertained and he was permitted to argue in person, he should have understood that this Court had appreciated his concern for the *lis*, but by filing the present interlocutory application, it seems that he has thrown the initial decorum that allowed him to address the Court to the winds. He should have been well advised that such kind of allegations are not made in an application which has nothing to do with the subject matter of the *lis*, but may have something to do with a particular individual. Be that as it may. It is also discernible that the allegations made are scandalous, unwarranted, indecent and absolutely uncalled for.

In view of the aforesaid, while we do not entertain this application, we caution and warn the petitioner to conduct himself appropriately and restrain from making any slightest effort to file such applications before this Court or any court relating to this incident. If he has a cause, he should stand up for the cause and not deviate. Be it recorded, Mr. Anand Grover, Ms. Indira Jaising and Mr.

Krishnan Venugopal, learned senior counsel have stated, after obtaining instructions, that the person who was assisting them in the public interest litigation shall not also file any proceeding against the petitioner in view of the order passed by this Court.

Mr. Ranjit Kumar, learned Solicitor General, Mr. Dushyant Dave and Mr. Anand Grover, learned senior counsel have suggested in course of hearing that as this Court is dismissing the interlocutory application, the allegations against the lady should be expunged. We appreciate the suggestion and we unequivocally issue a direction for expunging the allegations which even remotely touch the reputation and dignity of the lady. We further direct that neither the electronic media nor the print media shall publish any thing that will relate to identity of the lady or any remark in the interlocutory application as that stands expunged by this Court. They are at liberty to publish the order passed today as that is an order of the Court.

The petitioner is hereby restrained from circulating this interlocutory application in any manner whatsoever or speaking about it or publishing them either directly or indirectly, for any activity of this nature would amount to contempt of this Court and we repeat, if such an event takes place, the person concerned will invite the wrath of law and the consequences of the same may be quite disastrous for him. Whether the petitioner will be allowed to prosecute the writ petition which he has filed, shall be considered when the writ petition is listed on the date fixed.

Any one who has received a copy of this interlocutory application from the petitioner shall not circulate it in any manner whatsoever. It should be treated as an injunction from this Court.

Mr. Gaurav Bhatia as the Secretary of the Supreme Court Bar Association takes the responsibility to circulate this order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master