

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2515 OF 2016
WITH
NOTICE OF MOTION (L) NO. 97 OF 2017
IN
WRIT PETITION NO. 2515 OF 2016

XYZ ... Petitioner

Vs.

Union of India & Ors. ... Respondents

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Mr. R. V. Desai, Senior Advocate a/w Mr. R. B. Pardeshi i/b. Mr. A. M. Khare for the Petitioner.

Mr. Pradeep S. Jetly for Respondents.

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**CORAM : S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE : FEBRUARY 20, 2017.

P.C. :

1. This is a Notice of Motion which is placed today on board.
2. The Notice of Motion requests that the petitioner, who has filed this Writ Petition, be allowed to prosecute it in an assumed name.
3. Mr. Desai, learned Senior Counsel appearing in support of this Notice of Motion pointed out that the petitioner has revealed to the Revenue certain vital information in his possession about large-scale evasion of taxes. Those taxes were due and legitimately recoverable. On account of the information provided by the

petitioner, the Revenue Intelligence was able to unearth the fraud and which is perpetrated on the public. It is only on account of the efforts made by the petitioner and to follow up the sumgling activities and evasion of duties that the recovery could be effected. Though these activities are of the past, but the petitioner, being an informant, apprehends that even when prosecuting this Writ Petition he would be tracked by those whose activities were noticed and investigated by the Revenue Officials. Because of the petitioner they were apprehended, interrogated, investigations were carried out, raids were conducted and some of them were prosecuted. Tomorrow, they may go after the petitioner and that is why the petitioner's life is in danger.

4. On the earlier occasion, we had noticed this tendency of petitions being filed in an assumed name by taking advantage of vague and general statements that the petitioner apprehends threats to his/her life at the hands of anti-national elements and smugglers, since the petitioner in such cases acted as an informant. If his/her identity is revealed, then these anti-national elements will track him/her. That is why there is a threat to his/her life and property.

5. This Writ Petition is filed to seek a reward for the information provided. The application seeking reward was examined by the competent authority and according to the Revenue, no such reward is payable. That is the communication which is challenged by the petitioner. Thus, this is a post

investigation and recovery matter. It only concerns a reward sought by the petitioner and in terms of some scheme. To our mind, the petitioner's identity was sufficiently known and revealed to the Revenue Officials. While communicating with them, the petitioner did not feel threatened by anybody and he revealed not only his real name and address but other details as well. Now, it is surprising that the petitioner finds it inconvenient to reveal his identity and in the course of legal proceedings in the High Court. We do not think that any vague and general assertion, as is made in the body of the petition and the affidavit-in-support of the Notice of Motion, would enable the petitioner to hide himself or refuse to reveal his identity and other details pertaining to him. We cannot encourage such tendency, for tomorrow, if such petition succeeds and the reward is payable to the informant, then, the Court must have complete details with it so that the petitioner/informant can be traced out and the reward is received by a deserving person rather than any unauthorized person or agent prosecuting the petition in an assumed name. We therefore, discourage this tendency and proceed to reject the Motion. The Writ Petition now shall be treated as having being filed by the deponent of the affidavit-in-support of the Notice of Motion. Accordingly, amendment be carried out to the cause title within a period of one week from today. List the Writ Petition for admission on 6th March, 2017.

(B. P. COLABAWALLA, J.)

(S. C. DHARMADHIKARI, J.)