

IN THE HON'BLE HIGH COURT OF KARNATAKA, AT BENGALURU
(ORIGINAL JURISDICTION)

W.P. No. 24623/2024

BETWEEN:

Srinivas S. Devathi

... PETITIONER

AND:

Union of India & Others

...RESPONDENTS

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Place: Bengaluru
Date: 01/03/2025

Advocate for Respondent No. 3
Vipin Upadhyay, KAR/1078-A/2014

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**OBJECTIONS OF THE RESPONDENT NO. 3 UNDER RULE 21 OF THE WRIT PROCEEDING RULES,
1977 TO THE WRIT PETITION FILED BY THE PETITIONER**

The Respondent No. 3, i.e., Bharti Airtel Limited, most respectfully submits as under:

1. This Objections is being filed by Respondent No. 3 under Rule 21 of the Writ Proceeding Rules, 1977 to the Writ Petition filed by the Petitioner.
2. The contents of the Writ Petition filed by the Petitioner under reply are patently erroneous, misconceived, and denied in their entirety. Respondent No. 3 vehemently denies each and every allegation made by the Petitioner. The Writ Petition is speculative, lacks legal and factual merit, and is based entirely on conjectures and surmises. The Petitioner has failed to provide any documentary or legal evidence to substantiate his claims, rendering the petition liable to be dismissed at the threshold. No averment not specifically denied herein should not be treated as an admission on the part of Respondent No. 3.
3. At the outset it is submitted that the judicial system in India is already overburdened with a massive backlog of cases, and the Hon'ble High Court's valuable time must not be wasted on frivolous or speculative litigation. The courts have consistently held that judicial time is a scarce resource and must be utilized for genuine and substantial matters.
4. The right to approach the Hon'ble High Court under Article 226 of the Constitution is a fundamental right, but it is not an unfettered license to file petitions on baseless grounds. The Hon'ble Supreme Court and various High Courts have repeatedly frowned upon the

misuse of judicial forums for personal grievances that can be addressed through alternative remedies.

5. The Petitioner, despite having access to alternate statutory and regulatory mechanisms, has chosen to invoke the writ jurisdiction of the Hon'ble Court, disregarding well-established legal procedures. Such an approach not only burdens the court but also delays justice for genuine litigants.
6. The Hon'ble Supreme Court in *Dnyandeo Sabaji Naik v. Pradnya Prakash Khadekar*, (2017) 5 SCC 496 has categorically stated that courts must deter litigants from filing speculative and vexatious petitions. The relevant observations of the Hon'ble Supreme Court are as under:

14. Courts across the legal system—this Court not being an exception—are choked with litigation. Frivolous and groundless filings constitute a serious menace to the administration of justice. They consume time and clog the infrastructure. Productive resources which should be deployed in the handling of genuine causes are dissipated in attending to cases filed only to benefit from delay, by prolonging dead issues and pursuing worthless causes. No litigant can have a vested interest in delay. Unfortunately, as the present case exemplifies, the process of dispensing justice is misused by the unscrupulous to the detriment of the legitimate. The present case is an illustration of how a simple issue has occupied the time of the courts and of how successive applications have been filed to prolong the inevitable. The person in whose favour the balance of justice lies has in the process been left in the lurch by repeated attempts to revive a stale issue. This tendency can be curbed only if courts across the system adopt an institutional approach which penalises such behaviour. Liberal access to justice does not mean access to chaos and indiscipline. A strong message must be conveyed that courts of justice will not be allowed to be disrupted by litigative strategies designed to profit from the delays of the law. Unless remedial action is taken by all courts here and now our society will breed a legal culture based on evasion instead of abidance. It is the duty of every court to firmly deal with such situations. The imposition of exemplary costs is a necessary instrument which has to be deployed to weed out, as well as to prevent the filing of frivolous cases. It is only then that the courts can set apart time to resolve genuine causes and answer the concerns of those who are in need of justice. Imposition of real time costs is also necessary to ensure that access to courts is available to citizens with genuine grievances. Otherwise, the doors would

be shut to legitimate causes simply by the weight of undeserving cases which flood the system. Such a situation cannot be allowed to come to pass. Hence it is not merely a matter of discretion but a duty and obligation cast upon all courts to ensure that the legal system is not exploited by those who use the forms of the law to defeat or delay justice. We commend all courts to deal with frivolous filings in the same manner.

Filing a writ petition without evidence or substantive legal backing amounts to an abuse of process and the Petitioner has clearly abused the process by filing the present Writ Petition.

7. It is pertinent to highlight that the Petitioner has previously been cautioned by the Hon'ble High Court for engaging in similar tactics. Despite such warnings, the Petitioner has continued to misuse the process of law, warranting strict action from this Hon'ble Court in line with the observations of the Hon'ble Supreme Court in the case of *Dnyandeo Sabaji Naik (supra)*. A copy of the order dated 14.06.2024 passed by this Hon'ble Court in one of the Writ Petitions (W.P. No. 13823/2023) filed by the Petitioner is enclosed as **Annexure-A**.

Preliminary Objections

8. It is submitted that the instant Writ Petition is not maintainable against Respondent No. 3 as it is a private entity and does not discharge any public functions that warrant the exercise of writ jurisdiction under Article 226 of the Constitution of India. Further, the Petitioner has alternate remedies before various forums/ courts to raise the issues it has raised in the present writ petition. As the Petitioner has not exhausted its alternate remedies, the present Writ Petition is not maintainable.
9. The Hon'ble Supreme Court and this Hon'ble Court, in multiple decisions, have reiterated that writ jurisdiction cannot be invoked against private parties unless they perform a public duty or function akin to that of the State. It is submitted that Respondent No.3 is an Indian multinational telecommunications services Company and is engaged in the business of providing Unified Access Services (mobility, broadband, data services, etc.) by virtue of a license agreement with the Ministry of Communications, Department of

Telecommunications. It operates pan-India and provides telecommunication services, fixed-line broadband, and voice services across continents and operating in the telecom circle of Karnataka

10. Article 226 provides the High Courts with the power to issue writs against any person or authority performing a public duty. However, the Hon'ble Supreme Court has consistently held that a writ petition is not maintainable against purely private entities unless there is an element of public duty or state-like function being performed. In the case of *Federal Bank Ltd. v. Sagar Thomas & Ors.*, (2003) 10 SCC 733, The Hon'ble Supreme Court culled out the categories of body/persons who would be amenable to writ jurisdiction of the High Court which are as follows:

"18. From the decisions referred to above, the position that emerges is that a writ petition under Article 226 of the Constitution of India may be maintainable against (i) the State (Government); (ii) an authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any statute, to compel it to perform such a statutory function."

11. What constitutes 'public function', in the context of maintainability of writ petition against a private entity, has been decided by the Hon'ble Supreme Court in *Binny Ltd. v. V. Sadasivan*, (2005) 6 SCC 657. The relevant observations of the Hon'ble Supreme Court are as under:

11. ... It is difficult to draw a line between public functions and private functions when they are being discharged by a purely private authority. A body is performing a 'public function' when it seeks to achieve some collective benefit for the public or a section of the public and is accepted by the public or that section of the public as having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest."

12. The Hon'ble Supreme Court also quoted with approval Commentary on Judicial Review of Administrative Action (5th Edn.) by de Smith, Woolf and Jowell. In Chapter 3 Para 0.24 therein it has been stated as follows:

"A body is performing a 'public function' when it seeks to achieve some collective benefit for the public or a section of the public and is accepted by the public or that section of the public as having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest.

Public functions need not be the exclusive domain of the State. Charities, self-regulatory organisations and other nominally private institutions (such as universities, the Stock Exchange, Lloyd's of London, churches) may in reality also perform some types of public function. As Sir John Donaldson, M.R. urged [R. v. Panel on Take-overs and Mergers, ex p Datafin Plc., 1987 QB 815 : (1987) 2 WLR 699 : (1987) 1 All ER 564 (CA)] , it is important for the courts to 'recognise the realities of executive power' and not allow 'their vision to be clouded by the subtlety and sometimes complexity of the way in which it can be exerted'. Non-governmental bodies such as these are just as capable of abusing their powers as is Government."

13. These observations make it abundantly clear that in order for it to be held that the body is performing a public function, it will have to be proven that the body seeks to achieve some collective benefit for the public or a section of the public and accepted by the public as having authority to do so.
14. Further, the Hon'ble Supreme Court in *Jatya Pal Singh v. Union of India*, (2013) 6 SCC 452, while dealing with the issue of maintainability of a Writ Petition against a private telecom company has made the following observations:

49. In our opinion, the functions performed by VSNL/TCL examined on the touchstone of the aforesaid factors cannot be declared to be the performance of a public function. The State has divested its control by transferring the functions performed by OCS prior to 1986 on VSNL/TCL.

.....

53. In the present case, as noticed earlier, all telecom operators are providing commercial service for commercial considerations. Such an activity in substance is no different from the activities of a bookshop selling books. It would be no different from any other amenity which facilitates the dissemination of information or data through any medium. We are unable to appreciate the submission of the learned counsel for the appellants that the activities of TCL are in aid of enforcing the fundamental rights under Article 19(1)(a) of the Constitution. The recipients of the

service of the telecom service voluntarily enter into a commercial agreement for receipt and transmission of information.

Therefore, the present Writ Petition filed against Respondent No. 3 is not maintainable as Respondent No. 3 does not discharge any public functions. The provision of telecommunication services, as held by the Hon'ble Supreme Court in *Jatya Pal Singh (supra)*, is not a public function. Thus, the present Writ Petition is liable to be dismissed to the extent it relates to Respondent No. 3.

15. The Hon'ble Supreme Court in *Federal Bank Ltd. (supra)*, held that a writ petition is not maintainable against a private entity merely because it is subject to regulatory control. Similarly, in *Zee Telefilms Ltd. v. Union of India*, (2005) 4 SCC 649, the Hon'ble Supreme Court held that regulatory oversight does not equate to state control, and entities engaged in commercial services for profit cannot be subjected to writ jurisdiction unless they perform sovereign or essential state functions.
16. Relying on the above law consistently laid down by the Hon'ble Supreme Court, it is submitted that the provision of telecommunication services by private telecom operators such as Respondent No. 3 is a commercial activity governed by licensing conditions under the Indian Telegraph Act, 1885, and the TRAI Act, 1997. The Supreme Court in *Binny Ltd. (Supra)*, categorically held that merely because an entity operates in a regulated sector does not mean it performs a public function.
17. The test laid down by the Supreme Court for determining public functions requires that:
 - The function must have a direct nexus with sovereign functions of the State.
 - The entity must discharge statutory obligations that the State would otherwise be required to perform.
 - The service must be essential for the enforcement of fundamental rights.

Respondent No. 3, as a private telecom provider, does not satisfy these criteria. Its operations are contractual and commercial in nature and do not involve the discharge of sovereign or public duties.

18. It is further submitted that the Hon'ble Supreme Court has consistently cautioned against the indiscriminate exercise of writ jurisdiction in service and commercial disputes. In *K.K. Saksena v. International Commission on Irrigation and Drainage*, (2015) 4 SCC 670, the Court reiterated that unless a private body exercises public functions or is entrusted with duties of public importance, it cannot be subjected to writ jurisdiction.
19. This Hon'ble Court has also time and again affirmed the above-discussed principles in dismissing writ petitions filed against private entities. Some of these decisions are as under:
- a. *Ms. Jayshree Gururaj v. Cisco Systems (India) Pvt. Ltd.*, 2016 SCC OnLine Kar 8401.
 - b. *Prestige Monte Carlo Apartment Owner v. Reserve Bank of India & Ors.*, 2015 SCC OnLine Kar 5773
 - c. *K. S. Srinivas v. Union of India & Ors.*, 2013 SCC OnLine Kar 10394
20. It is submitted that Respondent No. 3 operates in a competitive market and provides services pursuant to contracts with individual customers. The Petitioner's grievances, if any, arise out of a contractual relationship and must be addressed through alternate statutory and regulatory forums.
21. The invocation of Article 226 requires a demonstration of violation of fundamental rights or gross illegality. The Hon'ble Supreme Court in *Ramakrishna Mission v. Kago Kunya*, (2019) 16 SCC 303, held that writ jurisdiction should not be invoked for private disputes unless there is a direct infringement of constitutional rights. The present case pertains to individual grievances related to telecom services, which do not implicate any fundamental rights.
22. It is respectfully submitted that the present writ petition filed under Article 226 of the Constitution of India is not maintainable as the Petitioner has alternative and efficacious remedies available under statutory law. The Hon'ble Supreme Court has consistently held that writ jurisdiction should not be invoked where alternate remedies exist unless exceptional circumstances warrant interference by the High Court. The Supreme Court has laid down the doctrine of alternative remedies in *Commissioner of Income Tax v.*

Chhabil Dass Agarwal, (2014) 1 SCC 603, holding that when a specific statutory remedy exists, High Courts should refrain from exercising writ jurisdiction unless exceptional circumstances exist.

23. The Petitioner has not demonstrated why the available statutory forums, such as Department of Telecommunication (DoT), Telecom Regulatory Authority of India (TRAI), consumer dispute redressal forums, civil or TDSAT etc., are inadequate or incapable of providing relief. These bodies have exclusive jurisdiction over telecommunication disputes, and their decisions are binding. Since the Petitioner has not exhausted these remedies, the Writ Petition is premature and liable to be dismissed to the extent it relates to Respondent No. 3.

PARA WISE REPLY

Response to averments made in the SYNOPSIS of the case against Respondent No. 3

24. The allegations made against Respondent No. 3 are baseless, unfounded, and devoid of any evidence. The Petitioner has merely relied on conjectures and surmises without substantiating any of the claims. Respondent No. 3 categorically denies any involvement in the alleged activities mentioned by the Petitioner. Respondent No. 3 is a law-abiding entity that strictly adheres to the laws of India, including the regulatory framework set by the Department of Telecommunications (DOT) and the privacy laws governing user data. The Petitioner's assertion that Respondent No. 3 is controlled or influenced by foreign entities, particularly in the USA, is denied. Respondent No. 3 functions independently in compliance with Indian laws and does not entertain unauthorized requests from any foreign government or entity.

Response to averments made in the FACTS OF THE CASE against Respondent No. 3

25. Averments made in paras 1 to 18 do not pertain to Respondent No. 3 and hence, are not being discussed. In any case, any averments made in these paragraphs that are prejudicial to the interest of Respondent No. 3 are denied in entirety. Respondent No. 3 reserves the right to counter these averments, if any, at an appropriate stage.

26. Averments made in paras 19 to 21 are factual in nature and are not being denied.
27. Averments made in paras 22 and 23 are denied in entirety. The allegations regarding the Petitioner's telecommunication and broadband services being monitored, disrupted, or manipulated are wholly denied. Respondent No. 3 does not engage in any such activity and ensures the highest standards of service in accordance with the applicable regulatory framework.
28. Further, the Petitioner's claim that Respondent No. 3 has failed to update his email ID and address is also baseless. It is pertinent to note that Respondent No. 3 has responded to the email sent by the Petitioner and informed him that the email used is not registered in their database. Hence, the request from an unregistered email cannot be considered (Annexure-H of the Writ Petition). Further, the Petitioner has alleged to have sent a letter to Respondent No. 3 with the same request. This letter is annexed as Annexure-H at page number 110 of the Writ Petition. On perusal of the letter, it can be seen that the letter is addressed to just 'Airtel' without any address or any other details. Further, it is not clear how and when was this letter sent to Respondent No. 3 as there are no details of any courier, post, email, etc. As per DOT guidelines and Respondent No. 3's internal policies, any request for updating registered information must be made through the verified email ID and as per the prescribed authentication procedure. The Petitioner has failed to follow the requisite procedure, and Respondent No. 3 cannot be compelled to bypass its legally mandated verification protocols. This was informed to the Petitioner, however, the Petitioner has not followed the company policy and has not updated its email address. The Petitioner's failure to comply with these requirements cannot be attributed to Respondent No. 3. Further, the assertion that downloading the Airtel app from the Google Play Store compromises security is an unfounded claim with no legal standing.
29. Furthermore, the assertion that Respondent No. 3 has issued a duplicate SIM card or engaged in identity theft is denied. No such SIM has been issued in the Petitioner's name. The issuance of SIM cards follows a stringent process in line with DOT guidelines, requiring proper verification and documentation. Respondent No. 3 has not received any request

for the issuance of a duplicate SIM for the concerned mobile number. Therefore, there is no question of issuance of a duplicate SIM.

30. Averments made in para 24 do not relate to Respondent No. 3.
31. Averments made in paras 25 and 26 are factual in nature and are not being denied.
32. Averments made in para 27 are baseless and denied in entirety. The allegations that Respondent No. 3 is transmitting the Petitioner's data to foreign agencies, including the US PTO, are categorically denied. Respondent No. 3 operates under the guidelines & notifications of the DOT from time to time. Respondent No. 3 also adheres to strict data protection laws in India and does not share any customer information with foreign governments or agencies. Making such allegations without any evidence is preposterous and the Petitioner should be punished for making these false allegations against a reputed company like Respondent No. 3.
33. Averments made in para 28 are baseless and denied in entirety. It is denied that Respondent No. 3 is taking orders from any foreign office. Respondent No. 3 does not have to prove its patriotism to anyone leave aside the Petitioner. Respondent No. 3 is one of the most reputed organisations of the country and has done a lot for the welfare of the country and its citizens. It is once again reiterated that this Hon'ble Court should take serious notice of such baseless allegations made by the Petitioner without any evidence.
34. Averments made in para 29 are baseless and denied in entirety. It is denied that Respondent No. 3 has broken any privacy laws of the country. It is reiterated that Respondent No. 3 operates under the guidelines & notifications of the DOT from time to time. Respondent No. 3 also adheres to strict data protection laws in India and does not share any customer information with foreign governments or agencies.
35. Averments made in para 30 are baseless and denied in entirety. It is denied that Respondent No. 3 is taking orders from US PTO or any foreign organisation/ country. It is reiterated that Respondent No. 3 operates under the guidelines & notifications of the DOT from time to time. Respondent No. 3 also adheres to strict data protection laws in

India and does not share any customer information with foreign governments or agencies.

36. Averments made in para 31 are baseless and denied in entirety.
37. Averments made in para 32 are baseless and denied in entirety. It is denied that the US office of the Respondent No. 3 has made Respondent No. 3 its slave. The allegations made by the Petitioner are completely baseless. It is once again reiterated that this Hon'ble Court should take serious notice of such baseless allegations made by the Petitioner without any evidence.
38. Averments made in para 33 are baseless and denied in entirety. It is submitted that Respondent No. 3 is a law-abiding organization in this country and does not need a reminder from anyone to follow the laws of this country. It is once again reiterated that this Hon'ble Court should take serious notice of such baseless allegations made by the Petitioner without any evidence.
39. Averments made in paras 34 to 37 do not relate to Respondent No. 3 and hence, are not being discussed. In any case, any averments made in these paragraphs that are prejudicial to the interest of Respondent No. 3 are denied in entirety. Respondent No. 3 reserves the right to counter these averments, if any, at an appropriate stage.

Response to averments made in the GROUNDS of the case against Respondent No. 3

40. Averments made in para 38 are baseless and denied in entirety. It is submitted Respondent No. 3 maintains the highest standards in providing telecommunication services to its customers. The Petitioner will be provided the same level of services as provided to any other customer. This does not require intervention of this Hon'ble Court under Article 226. Further, there can be issues with the service at the ground level for reasons beyond the control of Respondent No. 3. However, these issues would be faced by other customers too and the Petitioner should not consider such issues as any illegality. It is further submitted that Respondent No.3 has been strictly adhering to the terms and conditions as are set out in the License Agreement and as mandated, is providing

reasonable level of service to a wide cross-section of customers in accordance with the license conditions as well as Regulations framed by TRAI from time to time governing the telecommunications services in India.

41. Averments made in para 39 are baseless and denied in entirety. It is denied that Respondent No. 3 is taking orders from US PTO or any foreign organisation/ country. It is reiterated that Respondent No. 3 operates under strict data protection laws in India and does not share any customer information with foreign governments or agencies.
42. Averments made in para 40 are general in nature and need no reply.
43. Averments made in para 41 are baseless and denied in entirety. As submitted above, Respondent No. 3 is a law-abiding organization and functions according to the laws laid down by the Government of India. There is absolutely no evidence provided by the Petitioner that Respondent No. 3 has violated any laws. When there is no violation, Respondent No. 3 should not be obligated to disclose any data that it otherwise is not required to disclose. However, if this court thinks that Respondent No. 3 is required to disclose any information, Respondent No. 3 will be obliged to disclose it.

Response to averments made in the PRAYERS of the case against Respondent No. 3

44. Averments made in prayer A are baseless and denied in entirety. It is denied that Respondent No. 3 is involved in any such activities mentioned by the Petitioner in this prayer. The Petitioner is accusing Respondent No. 3 of Treason without any evidence whatsoever. Like the whole Writ Petition, the averments made in prayer A by the Petitioner are completely baseless, and the Petitioner should be punished for making such strong allegations without any evidence. Respondent No. 3 reiterates all the submissions made in the preceding paragraphs to counter the averments made in prayer A.
45. Prayers B and C do not relate to Respondent No. 3 and hence, are not answered. In any case, any averments made in these prayers that are prejudicial to the interest of Respondent No. 3 are denied in entirety. Respondent No. 3 reserves the right to counter these averments, if any, at an appropriate stage.

46. Averments made in prayer D are baseless and denied in entirety. The allegation that Respondent No. 3 is obligated to report any requests from its foreign offices to monitor the Petitioner's mobile phone activity, calls, messages, emails, and internet usage is denied as baseless.
47. Respondent No. 3 strictly adheres to the laws of India, including the Information Technology Act, 2000, and the privacy policies laid down by the DOT. Respondent No. 3 does not engage in unauthorized monitoring, data sharing, or transmission of user information to foreign entities. The claim that Respondent No. 3 is acting against the interests of the Union of India or engaging in any activities amounting to treason is entirely baseless and unsubstantiated. Furthermore, the Petitioner has not provided any evidence to support these allegations. The Hon'ble High Court has repeatedly held that writ petitions cannot be used to advance speculative claims that lack evidentiary backing.
48. Averments made in prayer E are baseless and denied in entirety. The request to prevent Respondent No. 3 from allegedly blocking the introduction of the Petitioner's 'Macro Economic Reform Project Earthling©' is misplaced and lacks any legal or factual basis. Respondent No. 3 is a telecom service provider and does not control or interfere with any economic reform initiatives, international policy decisions, or global trade agreements. The claim that Respondent No. 3 has an interest or involvement in obstructing the petitioner's proposed project is entirely without merit and beyond the scope of any telecom service provider's operations. The Hon'ble High Court under Article 226 is not the appropriate forum to raise hypothetical and speculative concerns. If the Petitioner has any grievance regarding service-related issues, there exist alternative remedies under TRAI regulations, DOT, and consumer forums.
49. Interim prayers F to I do not relate to Respondent No. 3 and hence, are not answered. In any case, any averments made in these prayers that are prejudicial to the interest of Respondent No. 3 are denied in entirety. Respondent No. 3 reserves the right to counter these averments, if any, at an appropriate stage.

50. Averments made in interim prayer J are baseless and denied in entirety. The Petitioner's demand that Respondent No. 3 update his email ID and address without adhering to Company's policy is untenable. As per DOT guidelines and Respondent No. 3's internal policies, any request for updating registered information must be made through the verified email ID and as per the prescribed authentication procedure. The Petitioner has failed to follow the requisite procedure, and Respondent No. 3 cannot be compelled to bypass its legally mandated verification protocols. The assertion that downloading the Airtel app from the Google Play Store compromises security is an unfounded claim with no legal standing. Further, the question of the issuance of duplicate SIMs has been answered in the paragraphs above. It is reiterated that no such request has been received and SIM has been issued.
51. Averments made in interim prayer K are baseless and denied in entirety. The request that Respondent No. 3 ensure the security of the petitioner's broadband and SIM services, and refrain from allegedly transmitting user data, is unfounded. Respondent No. 3 already ensures the highest standards of cybersecurity in compliance with Indian laws, including the IT Act, 2000, DOT guidelines, and the TRAI regulations.
52. The claim that Respondent No. 3 transmits personal data to foreign entities is entirely baseless. Respondent No. 3 does not share customer data with any unauthorized third party, let alone a foreign country, as alleged by the petitioner. All user information is protected under the existing privacy framework in India.
53. In view of the above submissions, Respondent No. 3 prays for the dismissal of the writ petition as being not maintainable as Respondent No. 3 is a private entity and is not discharging any public function as the Petitioner has not exhausted alternate remedies available under consumer protection laws and telecom dispute resolution mechanisms. In any case, Respondent No. 3 prays for the dismissal of the writ petition concerning the allegations made against it, as the claims are speculative, unsubstantiated, and legally unsustainable.

Place: Bengaluru
Date:

Advocate for Respondent No. 3
Vipin Upadhyay, KAR/1078-A/2014



NC: 2024:KHC:21420
WP No. 13823 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE C M JOSHI

WRIT PETITION NO. 13823 OF 2023 (IPR)

BETWEEN:

SRINIVAS S DEVATHI,
S/O LATE D SATYANARAYANA,
AGED ABOUT 47 YEARS,
R/AT NO.63, 11TH 'B' CROSS,
3RD MAIN, PRASHANTH NAGAR,
BENGALURU-560 079,
INDIA.
MOBILE NO.(91)-966-393-2293,
EMAIL ID.projectearthling@srinivasdevathi.com

...PETITIONER

(BY SRI SRINIVAS.S DEVATHI, PARTY- IN- PERSON)

AND:

UNION OF INDIA,
MINISTRY OF EXTERNAL AFFAIRS,
LEGAL AND TREATIES DIVISION,
ROOM #901, AKBAR BHAVAN,
CHANAKYAPURI, NEW DELHI-110 021.
PH: 91-11-24674143.
REP. BY MRS. UMA SEKHAR, ADDL. SECRETARY,
ALSO REPRESENTING EXTERNAL AFFAIRS MINISTER,
MR.S.JAISHANKAR.

...RESPONDENT

(BY SMT. NAYANATARA.B.G, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA BY PETITIONER PARTY- IN- PERSON, PRAYING FOR MANAGING THE WEALTH FROM 62 SALE AGREEMENTS, SECURE MY FINGER PRINTS AND BIO-METRIC INFORMATION. TO ADDRESS MY LIVING EXPENSES. A)

Digitally
signed by
NANDINI R

Location:
High Court
of Karnataka



NC: 2024:KHC:21420
WP No. 13823 of 2023

GIVEN THE VALUE OF 62 SALE AGREEMENTS, MY WEALTH ALLOCATION IN ANNEXURE-O AND MY WEALTH MANAGEMENT RESPONSIBILITIES OF EARTHLING FOUNDATION PUBLIC CHARITABLE TRUST AND EARTHLING FOUNDATION PRIVATE TRUST, I WILL BE USING MULTI-COMBINATION AS PASSWORDS FOR MY BANK VAULTS, MY ONLINE ACCOUNT ACCESS, DIGITAL ACCESS PLATFORMS, LEGAL DOCUMENTS VAULT, DATA WAREHOUSE OFFICES AND OTHER AND HENCE MY FINGER PRINTS ARE PRECIOUS AND VALUABLE. HENCE, RESPONDENT TO WORK WITH FINANCE MINISTRY AND ISSUE ME A GOODS AND SERVICES TAX, GST NUMBER WITHOUT ME HAVING TO SUBMIT AADHAR CARD, WHICH NEEDS ME TO GIVE MY FINGER PRINTS AND BIO-METRIC INFORMATION SECURITY UNTIL I EXECUTE THE 62 SALE AGREEMENTS AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 07-06-2024 COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner, party-in-person in this writ petition has prayed as many as 32 prayers, among which, 16 are interim prayers. These prayers include to direct the respondent-Union of India to work with the Prime Minister of India, Finance Minister of India, and other Departments to register the 'Living Will' of the petitioner for its registration in all the States and Union Territories since he has bequeathed all his future assets in favour of the Nation. The prayers include direction to the respondent to



work with one Mr. Daren Tang, Director General of World Intellectual Property Organization (WIPO) to introduce Macro Governance Reform of 'New World Order', prepared by the petitioner to all 193 Member Countries. The prayers also include direction to the respondent to take steps to execute Sale Agreements with 62 Countries in respect of the invention/patent of the petitioner granted in US Patent No.8910998 B1 as it would fetch the Indian Government an income of 93 Trillion Earthlings (Dollars). The prayers include not only in respect of the Patent of the petitioner but several others which are outside the purview of such claimed invention.

2. The petitioner party-in-person states that he applied for Priority Patent with US Patent Office with Patent No. 8910998 B1 for 'Systems and methods for altering the colour, appearance or feel of a vehicle surface' claiming that he had invented the same. He also filed an application under the Patent Co-operation Treaty, International Application No.PCT/US/2014/046619 dated



15-07-2014 to the USPTO in the capacity of "International Search Authority ISA". USPTO issued a fabricated "International Search Report ISR" and it was transmitted to the petitioner on 05-08-2015 thereby breaching Articles 18(2) and 19(1) of Patent Co-operation Treaty. Using the said PCT International Application, he filed 15 National and 02 Regional Stage applications for Patent Protection of his invention covering total of 61 Non USA Countries. It is alleged by the petitioner that the fabricated ISR with fabricated Prior art has resulted in all National and Regional Stage applications to go into 'pending-reject' office actions causing him to lose his 'patent rights' across 60 World Countries. Therefore, it was alleged that the fraud committed by USPTO is very deliberate and intentional with malicious intent and motive to block his invention patent rights from across the World Countries.

3. On the basis of such contentions, the petitioner has sought as many as 32 prayers and directions to the



respondent-Union of India and has produced voluminous correspondence (in 04 volumes), documents to demonstrate that he has made all his efforts to make his claim. The petitioner has produced additional documents after conclusion of the arguments.

4. On issuance of notice, respondent has appeared through learned counsel Smt. Nayantara B.G.

5. The submissions by the writ petitioner-party-in- person and Smt. Nayantara, the learned counsel for respondent-Union of India were heard.

6. Before considering the maintainability or otherwise of the petition concerning the prayers made, it is necessary to note that the petitioner had filed similar petition in W.P.No.4851/2023, which came to be rejected on 06-06-2023, reserving liberty to the petitioner to challenge the communication of the Central Government dated 05-04-2023 before appropriate Legal Forum, if law permits. Pursuant to the said order, the petitioner had



filed W.P.No.12356/2023. It was filed seeking directions to the respondent-Union of India to give 'consent letter of Indian Central Government duly certified by Secretary to Indian Central Government, to sue United States Patent and Trademark Office, USPTO, and summon WIPO, World Intellectual Property Organization, International Bureau to assist the court with discovery and fact finding', to address CPC Section 86(1) applicable to them, such that I could initiate the court proceeding in the trial court, at the earliest. This is in accordance with documented proof submitted and explained in Annexure- A, of 'Breach of Patent Co-operation Treaty Articles 18(2) and 19(1), committed by USPTO on 05/08/2015 in their capacity of ISA, International Search Authority for PCT International Application PCT/US2014/046619 which corresponds to invention priority patent grant US 8,910,998 BI.' Noting the filing of the said writ petition, this Court by order dated 07-11-2023, passed an order as below:

" xxx xxx xxx

Unless, the said writ petition is disposed of on merits and petitioner is able to procure the consent letter from the Indian Central Government,



the present writ petition or any other proceedings would be maintainable.

Having regard to the statutory requirements, option is given to the petitioner, to keep the present writ petition pending till the disposal of WP No.12356/2023 or file a fresh writ petition after WP No.12356/2023 is disposed of on merits.

The petitioner opts to keep the present writ petition pending, till the disposal of WP No.12356/2023.

Accordingly, re-list this matter after disposal of WP No.12356/2023."

7. It is pertinent to note that this Court has found that the rejection of the prayer to give consent under Section 86 of CPC was rejected by the Union of India without giving any reasons and by relying on several judgments of the Supreme Court, allowed the said Writ Petition No.12356/2023 to the limited extent that the reasons for rejection should have been disclosed by it and directed accordingly. Therefore, evidently, this Court had indicated that the present petition is premature and only if consent is given under Section 86 of CPC to sue USPTO and others, considering the present prayers would arise.



8. Be that as it may, the question whether the petitioner has US Patent No.8910998B1 and whether International Search Report issued by International Search Agency (which is US PTO itself under WIPO) is fabricated and maliciously issued is to be established in the legal proceedings that may be initiated by the petitioner. Evidently, such proceeding has to be under the consent that may be granted or otherwise under Section 86 of CPC. Under these circumstances, the present petition is totally premature and therefore, it would not be maintainable at this stage.

9. It is also relevant to note that the prayers of the petitioner which are 32 in number, are not only pertaining to the invention claimed by the petitioner, but they relate to the other fields like, bribery in the offices, medical education, health, defence, etc. It is not known how the petitioner is invoking Articles 226 and 227 of the Constitution of India, unless he establish an inherent right in himself to claim such reliefs. This was observed by this



Court in the order passed in W.P.No.4851/2023 as well. It is also pertinent to note that before the orders were passed in W.P.No.4851/2023, he had filed O.S.No.40/2022 and O.S.No.41/2022 before City Civil Court, Bengaluru, which were rejected by the trial Court and then the petitioner had filed W.P.No.21782/2022 which was disposed of by this court on 06-02-2023 with a direction to the respondent to consider the request of the petitioner under Section 86 of CPC. It is also clear that the prayers made by the petitioner delve into the fabricated, fraudulent and malicious act of the US PTO as ISA. Such contentions require evidence and therefore, it cannot be considered in a writ petition. The claim is well beyond the writ jurisdiction since it requires evidence to be adduced and ascertained.

10. For these reasons, the present writ petition is not maintainable and therefore, deserves to be rejected. It is evident that the petitioner has filed the present petition with voluminous material which are in the form of the



details of the invention, correspondence made with his Attorneys, patent offices, and such other Agencies. The petitioner has argued his case for hours together consuming judicial time. Learned counsel appearing for the respondent has submitted that the writ petition be dismissed with exemplary costs.

11. Considering the fact that the petitioner has argued the case in person, tried to convince the Court about his inventions and other aspects; this Court do not intend to impose any costs, at this juncture. Hence, the following:

ORDER

- (i) The writ petition is hereby dismissed.
- (ii) The petitioner is cautioned that if repeated frivolous writ petitions are filed, they may call for imposition of costs.
- (iii) Liberty is given to the petitioner to file the writ petition with appropriate reliefs, in case he obtains consent letter from respondent-Union



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of India, under Section 86 of CPC to sue the
USPTO and others in their capacity as ISA.

**Sd/-
JUDGE**

tsn*
List No.: 1 SI No.: 3