

ITEM NO.37+44+51

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

Writ Petition(s) (Civil) No(s). 799/2020

SKAND BAJPAI & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([ONLY W.P. (c) NO. 943/2021 IS LISTED AGAINST THIS MATTER] [TO BE
TAKEN UP ALONGWITH W.P (c) NO. 24/2022])

WITH

W.P. (C) No. 943/2021 (PIL-W)
(FOR ADMISSION)

W.P. (C) No(s). 24/2022

(IA No. 18251/2022 - APPLICATION FOR TAKING ON RECORD
IA No. 56876/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 5583/2022 - EXEMPTION FROM FILING O.T.
IA No. 10584/2022 - INTERVENTION APPLICATION
IA No. 9313/2022 - INTERVENTION APPLICATION
IA No. 7452/2022 - INTERVENTION APPLICATION
IA No. 5581/2022 - INTERVENTION APPLICATION
IA No. 11469/2022 - INTERVENTION/IMPLEADMENT
IA No. 56873/2022 - INTERVENTION/IMPLEADMENT
IA No. 18250/2022 - INTERVENTION/IMPLEADMENT
IA No. 12769/2022 - INTERVENTION/IMPLEADMENT
IA No. 8935/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P. (C) No(s). 80/2022

(FOR ADMISSION and IA No.17397/2022-EXEMPTION FROM FILING O.T.)

Date : 22-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s)

Mr. Shyam Diwan, Sr. Adv.
Mr. Senthil Jagadeesan, AOR
Mr. Vinayak Bhandari, Adv.
Ms. Sonakshi Malhan, Adv.
Ms. Remya Raj, Adv.
Mr. Sajal Jain, Adv.

Mr. Vikas Singh, Adv.
 Mr. Kabir Seth, Adv.
 Mr. Ashwini Kumar Upadhyay, Adv.
 Mr. Ashwani Kumar Dubey, AOR

Petitioner-in-person

Mr. Kapil Sibal, Sr. Adv.
 Mr. Nizam Pasha, Adv.
 Ms. Rashmi Singh, Adv.
 Ms. Sumita Hazarika, AOR

For Respondent(s)

Mr. Tushar Mehta, SG
 Mr. K.M. Nataraj, ASG
 Mr. Rajat Nair, Adv.
 Mr. Shantnu Sharma, Adv.
 Mr. Digvijay Dam, Adv.
 Ms. Deepabali Datta, Adv.
 Mr. Sanjay Kumar Tyagi, Adv.
 Mr. O.P. Shukla, Adv.
 Mr. Varun Chugh, Adv.
 Mr. Arvind Kumar Sharma, AOR

Mr. Tushar Mehta, SG
 Mr. K.M. Nataraj, ASG
 Mr. Rajat Nair, Adv.
 Ms. Kanu Agrawal, Adv.
 Mr. Balaji Srinivasan, Adv.
 Mr. Mayank Pandey, Adv.
 Mr. Gurmeet Singh Makker, AOR

Mr. Jatinder Kumar Sethi, Dy. AG
 Mr. Abhishek Atrey, AOR
 Mr. Akash Giri, Adv.
 Mr. Shadman Ali, Adv.
 Ms. Ambika Atrey, Adv.
 Mr. Ashutosh Kumar Sharma, Adv.

Mr. Hari Shankar Jain, Adv.
 Mr. Vishnu Shankar Jain, AOR
 Mr. Parth Yadav, Adv.
 Ms. Manbiang N. Khengwin, Adv.

Mr. Kaleeswaram Raj, Adv.
 Mr. Mohammed Sadique T.A., AOR
 Mr. V.C. Vijay, Adv.
 Mr. T.K. Raj, Adv.

Mr. Shadan Farasat, AOR
 Mr. Aman Naqvi, Adv.
 Ms. Hafsa Khan, Adv.

Mr. Ashutosh Dubey, AOR

Mr. Devendra Singh, AOR

Mr. Barun Kumar Sinha, Adv.
Mrs. Pratibha Sinha, Adv.
Mr. Mudit Kaul, Adv.
Mr. Abhishek, AOR

Mr. T.L.V. Ramachari, AOR
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. E. Vinay Kumar, Adv.

Mr. Aaditya Vijaykumar, Adv.
Mr. Shreya Shree Singh, Adv.
Mr. Chitranshul A. Sinha, Adv.

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

WP(C) No(s). 799/2020

It is urged by Mr. Tushar Mehta, learned Solicitor General that in the context of reliefs claimed in this petition, the issues that need to be considered are in some matters overlapping with the issues involved in W.P (C) No. 787 of 2020 and connected, W.P.(C) No.956 of 2020, SLP (C) No.10937 of 2019, W.P. (C) No.1080 of 2020, T.P.(C) Nos.100-105, 997-1000, 1147-1152 and 1248-1252 of 2021, SLP (C) Nos. 11163, 11566, 20135 and 18201 of 2021, and W.P.(C) Nos. 760 and 6913 of 2021.

Let these petitions be listed together before the appropriate Bench, subject to availability of Bench on 09.05.2022.

WP(C) No(s). 943/2021

De-linked.

Mr. Tushar Mehta, learned Solicitor General submits that he wants to examine the reliefs claimed in this petition and advise the concerned authority to file appropriate response before the next date of hearing.

List this matter on 13.05.2022.

WP(C) No. 24 of 2022

At the outset, Mr. Kapil Sibal, learned senior counsel appearing for the petitioner has invited our attention to the extract of the subject speech at page 5 of the rejoinder affidavit and the enquiry report dated 24.03.2022 of the Sub-Inspector, P.S. Okhla Industrial Area at page 21 of the counter affidavit as also paragraph 5.5 of the counter affidavit filed by the Deputy Commissioner of Police reiterating the same position.

In the backdrop of this submission, Mr. K.M. Natraj, learned Additional Solicitor General prays for time to take instructions from the appropriate authority and file better affidavit. He prays for two weeks' time to do the needful.

List this matter on 09.05.2022 for further consideration.

The better affidavit be filed on or before 04.05.2022 through email.

As regards I.A. No. 61197 of 2022, it is stated by Mr.

Kapil Sibal that the Standing Counsel for the State of Himachal Pradesh has been duly served. However, his appearance is not notified in the list. The Registry to ensure that the name of the Standing Counsel is mentioned in the cause list on the next date of hearing.

List I.A. NO. 61197 of 2022 on 26.04.2022.

Mr. Kapil Sibal, learned senior counsel further, on instructions, submits that as of now, no issue arises in respect of State of Uttarakhand for consideration of this Court in this proceeding. That statement is placed on record.

I.A. No. 10584 of 2022 in W.P.(C) No. 24 of 2022

This application is disposed of with liberty to the applicant to take out appropriate/substantive proceedings, if so advised.

WP (C) No. 80 of 2022

This is a fresh writ petition concerning events unfolded in the State of Uttarakhand and NCT of Delhi.

As regards the State of Uttarakhand, in the previous matter (W.P. (C) No. 24 of 2022), Mr. Kapil Sibal, learned senior counsel has indicated that he was not pursuing the application concerning the State of Uttarakhand. It is possible that the issues raised by the applicant in the previous matter pertaining to events unfolded in the State of

Uttarakhand may be similar to issues raised in the present writ petition.

We, therefore, permit the petitioner in this case to serve advance copy on the Standing Counsel for the State of Uttarakhand so that this matter can proceed, if required, on 09.05.2022.

We direct that a copy of the counter affidavit filed by respondent No.2, rejoinder affidavit filed by the petitioners and the status report filed on behalf of the respondent No.3 in W.P.(C) No. 24 of 2022, be made over to the advocate-on-record appearing for the petitioners in W.P.(C) No. 80 of 2022 forthwith.

Learned counsel appearing for the Government of NCT of Delhi/Commissioner of Police, Delhi may also hand over the copy of the reply affidavit, including the additional affidavits.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)