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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13902/2021

SHALEN BHARDWAJ ADVOCATE

..... Petitioner

Through: In person.

versus

MINISTRY OF HOME AFFAIRS & ORS. Respondents

Through: Ms. Monika Arora, Adv. for MHA.
Mr. Satyakam, ASC with Ms. Jyoti Mehra, Adv for R-1 to 5 with SI Vijay Kumar, PS Sadar Bazar.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

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25.03.2022

The petitioner who appears in person was constrained to approach this Court on account of the alleged misbehaviour and inappropriate action of two police personnel. The allegation essentially was that despite the mandatory orders issued by the DDMA as well as the circulars issued by MHA specifying appropriate protocols relating to COVID-19, the two police personnel had accosted the petitioner were not wearing masks at the relevant time. Additionally, the writ petition raises the issue of unauthorised hawking in the Sadar Bazar area.

Taking cognisance of the complaint as was made, Mr. Satyakam, learned ASC appearing for the Delhi Police apprises the Court that the same was duly enquired into and subsequently the two police personnel were also cautioned. He further submits, on instructions, that the respondents remain

duty bound to ensure that all citizens including members of the police force adhere to the protocols mandated by the circulars issued by the DDMA as well as the MHA. The Court may only observe that it is imperative that all individuals including those who are in charge of maintenance of law and order adhere to the protocol as formulated at all times. The obligation to ensure compliance with those protocols must be adhered to even more strictly by those who are charged with its enforcement and must therefore lead by example. Insofar as the incident which led to the institution of the present writ petition is concerned, the Court notes that the two police personnel have been duly admonished and that consequently circumstances warrant a closure being accorded.

While the writ petition does additionally raise the allegation of unauthorised hawking in the Sadar Bazar area, the Court notes that the appropriate statutory authorities who are obliged to ensure the implementation of the Street Vendors Act (Protection of Livelihood and Regulation of Street Vending) Act, 2014 have not been arrayed as party respondents. Consequently, insofar as that issue is concerned, the Court leaves it open to the petitioner to initiate appropriate proceedings as may be permissible in law.

Subject to the aforesaid observations, the writ petition and pending applications stand disposed of.

YASHWANT VARMA, J.

MARCH 25, 2022/neha