WP(C) 1257/2021

ITEM NO.35 Court 4 (Video Conferencing) SECTION PIL-W

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Writ Petition (Civil) No.1257/2021

EHTESHAM HASHMI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 25-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD HON'BLE MR. JUSTICE SURYA KANT

- For Petitioner(s) Mr. Prashant Bhushan, AOR Ms. Rashmi Singh, Adv.
- For Respondent(s) Mr. Tushar Mehta, SG Mr. Arvind Kumar Sharma, AOR
 - Mr. Tushar Mehta, SG Mr. Mahesh Jethmalani, Sr. Adv. Mr. Shuvodeep Roy, AOR Mr. Ravi Sharma, Adv. Mr. Kabir Shankar Bose, Adv. Ms. Kanika Singhal, Adv.
 - Mr. Ishaan Borthakur, Adv.

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

1 A Division Bench of the High Court of Tripura headed by the learned Chief Justice has entertained a Public Interest Litigation *suo moto* under Article 226 of the Constitution. For the record, the proceedings before this Court contain, at Annexure P-9, a copy of an order dated 29 October 2021 passed by the Division Bench. The first paragraph of the order indicates the genesis of the *suo moto* proceedings and is reproduced below:

"This suo motu public interest litigation was registered on the basis of various press reports both in National newspapers as well as local newspapers on the issue of violence which occurred on 26th October, 2021 in North Tripura District, Unakoti District as well as Sipahijala District. On notices being issued through the learned Advocate General, learned Advocate General provided a brief note indicating some of the important steps taken by the State of Tripura to bring about communal harmony as well as action taken against the perpetrator of such violence."

- 2 The High Court is seized of the *suo moto* proceedings.
- 3 Having regard to the above position, it would be appropriate if the issues which are sought to be highlighted by the petitioner in these proceedings under Article 32 of the Constitution are permitted to be raised before the High Court by the petitioner by filing an application for intervention. We permit the petitioner to assist the High Court so that a comprehensive view can be taken on all aspects, including those which have been raised in the present proceedings under Article 32 of the Constitution.
- 4 Mr Prashant Bhushan, learned counsel submits that the petitioner apprehends that coercive steps may be adopted by the state police authorities for the petitioner having raised the issue in the public realm. In view of the apprehension, and without this Court expressing any opinion on the merits of the case, we permit the petitioner to make a request before the learned Chief Justice of the High Court to be allowed to make submissions through counsel on the video conferencing platform. Such a request may be appropriately considered by the Division Bench of the High Court.

- 5 In the event that the petitioner seeks to appear physically before the High Court, he would be at liberty to do so. No coercive steps shall be taken by the Tripura police, nor shall any precipitate action be taken which would impede his access to justice. All the rights and contentions of the parties are kept open. We request the High Court to take up the proceedings expeditiously.
- 6 We accordingly dispose of the present proceedings.
- 7 Pending applications, if any, stand disposed of.

(CHETAN KUMAR) A.R.-cum-P.S. (SAROJ KUMARI GAUR) Court Master