

**IN THE SUPREME COURT OF INDIA  
(ORDER XXI RULE 3(1) (a))  
CIVIL APPELLATE JURISDICTION  
(UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA)  
SPECIAL LEAVE PETITION (CIVIL) NO. \_\_\_\_\_ OF 2019  
(ARISING OUT OF THE FINAL IMPUGNED JUDGMENT & ORDER  
DATED 03.09.2019 PASSED BY HON'BLE HIGH COURT OF DELHI  
AT NEW DELHI IN W.P. (C) NO. 6259/2019)**

**IN THE MATTER OF:**

<b>BETWEEN</b>	<b>POSITION OF PARTIES</b>	
	<b>Hon'ble High Court</b>	<b>This Hon'ble Court</b>
Ashwini Kumar Upadhyay S/o Sh. Suresh Chandra Upadhyay Office: 15, M.C. Setalvad Chambers, Supreme Court of India, New Delhi-110001 Residence: G-284, Govindpuram, Ghaziabad-201013, (U.P.)	PETITIONER	PETITIONER
VERSUS		
1. Union of India Through the Secretary, Ministry of Home Affairs North Block, New Delhi 110001	Respondent No.1	Respondent No.1
2. Law Commission of India Through the Chairman/Secretary 4 <sup>th</sup> Floor, Loknayak Bhawan, Khan Market, New Delhi-110003	Respondent No.2	Respondent No.2

TO,

THE HON'BLE CHIEF JUSTICE  
AND LORDSHIP'S COMPANION JUSTICES  
OF THE HON'BLE SUPREME COURT OF INDIA

HUMBLE PETITION OF ABOVE-  
NAMED PETITIONER

**MOST RESPECTFULLY SHOWETH:-**

1. That the present Special Leave Petition is being filed under Article 136 of the Constitution of India against the Final Impugned Judgment and Order dated 03.09.2019 passed by Hon'ble High Court of Delhi at Delhi at New Delhi in W.P. (C) No.6259/2019, whereby the Hon'ble High Court was pleased to dismiss the Writ Petition filed by the petitioner herein.

**2. QUESTIONS OF LAW:**

The following questions of law arise for consideration of this Hon'ble Court.

- a) Whether the Hon'ble High Court has not failed to appreciate that on 03.01.1977, after detailed discussion, debate and feedback, Entry 20A was inserted in List III of 7<sup>th</sup> Schedule of the Constitution but Executive did nothing to effectuate it?
- b) Whether the Hon'ble High Court has not failed to appreciate that the NCRWC, one the most eminent Judicial Commission, on 31.3.2002, after detailed discussion, debate and feedback, recomended to insert Article 47A in the Constitution to control population explosion but Executive did nothing to implement it?

- c) Whether the Hon'ble High Court has not failed to appreciate that Law Commission had prepared 277<sup>th</sup> report very recently on its own direction?
- d) Whether the Hon'ble High Court disposed of the petition arbitrarily without counter and rejoinder, against its own order dated 29.05.2019?

**3. DECLARATION IN TERMS OF RULE 3(2) :**

The Petitioner states that no other such or similar petition seeking leave to appeal has been filed by him against the final impugned judgment and order dated 03.09.2019 passed by Hon'ble High Court of Delhi at New Delhi in W.P. (C) No.6259/2019.

**4. DECLARATION IN TERMS OF RULE 5 :**

The Petitioner states that Annexures P-1 to P-4 produced along with Special Leave Petition are true copies of the pleadings/documents which formed part of the records of the case in the Court below against whose order the leave to appeal is sought for in this petition.

**5. G R O U N D S**

Leave to appeal is sought on the following grounds, amongst others, without prejudice to each other:-

- A. Because the High Court has failed to appreciate that on 03.01.1977, after detailed discussion, debate &

feedback, Entry 20A was inserted in List III of 7<sup>th</sup> Schedule of the Constitution but Executive did nothing to effectuate it.

- B. Because the High Court had failed to appreciate that the NCRWC, one the most eminent Judicial Commission, on 31.3.2002 after detailed discussion, debate and feedback, recomended to insert Article 47A in the Constitution to control population explosion but Executive did nothing to implement it.
- C. Because the High Court had failed to appreciate that Law Commission had prepared 277<sup>th</sup> report very recently on its own direction.
- D. Because the High Court disposed of the writ petition arbitrarily without exchanging counter and rejoinder against it own order dated 29.5.2019. Though, respondents were not against the petition and sought time to reply.
- E. Because the High Court has failed to take cognizance of the petitioner's representation dated 21.05.2018 to Union Home Minister.
- F. Because the High Court has not used its plenary power confred under Article 226 in the matter, which is of national importanece.

6. **GROUND FOR INTERIM RELIEF:**

No interim relief

7. **MAIN PRAYER**

In view of the aforesaid facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to: -

- a) grant Special Leave to Appeal against the final impugned judgment and order dated 03.09.2019 passed by Hon'ble High Court of Delhi in W.P.(C) 6259 of 2019; and
- b) pass such further order(s) or direction(s) as this Hon'ble Court may deem fit and proper in facts and circumstance of the case.

8. **PRAYER FOR INTERIM RELIEF:**

NIL

**AND FOR THIS ACT OF KINDESS THE PETITIONER IS IN DUTY BOUND SHALL EVER PRAY.**

Filed By

**(Ashwani Kr. Dubey)**  
Advocate for Petitioner

Drawn on: .11.2019

Filed on: 15.11.2019

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DELHI IN W.P.(C) NO. 6259/2019)**

**IN THE MATTER OF:-**

Ashwini Kumar Upadhyay ..... Petitioner

Versus

Union of India & Anr. .... Respondents

**I.A. No. \_\_\_\_\_ of 2019**  
Application for exemption from filing the Certified Copy  
of Impugned Order

**[PAPER BOOK]**  
(FOR INDEX KINDLY SEE INSIDE)

**ADVOCATE FOR THE PETITIONER: ASHWANI KR. DUBEY**



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**OFFICE REPORT ON LIMITATION**

1. The Petition(s) is/are within time.
2. The Petition is not bared by time and there is no delay in filing the same against Impugned Judge and Order dated 03.09.2019 passed by Hon'ble High Court of Delhi at New Delhi W.P.(C) No. 6259/2019.
3. There is no delay in filing the present Special Leave Petition (Civil).

New Delhi.

BRANCH OFFICER

Dated: 15.11.2019