

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

(ORDER XXXVIII, S.C.R, 2013)

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

WRIT PETITION [CIVIL] NO. OF 2020

IN THE MATTER OF:

Live
Law.in ...PETITIONER
ALL INDIA LAW
VERSUS

THE STATE OF UTTAR PRADESH

Through Chief Secretary

Uttar Pradesh Secretariat,

1st Floor, Room NO.110, Lalbahadur Shastri

Bhawan, Lucknow 226001,

Uttar Pradesh

...RESPONDENT

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA AS PIL SEEKING WRIT OF CERTIORARI FOR QUASHING AND STAY THE NOTICES DATED DECEMBER 2019 [ANNEXURE P-1] SENT BY DISTRICT ADMINISTRATION OF STATE OF UTTAR PRADESH TO RECOVER DAMAGES FROM PROTESTORS IN VIOLATION OF THE GUIDELINES PASSED BY THIS HON'BLE SUPREME COURT AND SEEKING WRIT OF MANDAMUS TO THE STATE OF UTTAR PRADESH TO FOLLOW THE PROCEDURE AS PER THE GUIDELINES

OF THIS HON'BLE SUPREME COURT GIVEN IN 2009 AND 2018 AND FURTHER SEEKING TO CONSTITUTE OF INDEPENDENT JUDICIAL INQUIRY TO PROBE INTO THE INCIDENTS OCCURRED DURING THE PROTESTS AGAINST THE CAA-NRC IN THE STATE OF UTTAR PRADESH.

To,

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF

THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF

THE PETITIONER ABOVE NAMED

RESPECTFULLY SHOWETH:-

1. That this is a Writ Petition under Article 32 of the Constitution of India as PIL seeking Writ of Certiorari for Quashing and Stay the Notices dated December 2019 [**Annexure P-1**] sent by District Administration of State of Uttar Pradesh to recover damages for the public losses caused to public property from Protestors on account of recent protests in December 2019 against Citizenship Amendment Act, 2019 [CAA]/NRC in the State of Uttar Pradesh based on flawed High Court Judgment passed by the Allahabad High Court in 2010 in **Writ – A NO.40831 of 2009** titled as **Mohammad Shujauddin Vs. The State of Uttar Pradesh**, which is in violation of the guidelines passed by this Hon'ble Supreme Court in a Judgment passed in 2009 titled as **In Re: Destruction of Public and Private Properties Vs. Govt. of A.P. [2009] 5 SCC 212** and the same guidelines have been re-appreciated and re-affirmed by this Hon'ble Supreme Court in a Judgment passed in 2018 in **Writ Petition [Civil] N0.330 of 2018** titled as **Kodungallur Film Society & Anr Vs. Union of India & Ors, [2018] 10 SCC 713.**

Moreover, from bare Perusal of such Notice it is clear that the persons to whom the Notices have been sent, have not been booked under Panel Provisions and no details of FIR or any Criminal Offences have been made out against them. There is no detail of any crimes committed by them was is also against the guidelines by the Hon'ble Supreme Court which say that the such persons must be booked under the various Panel Provisions under IPC and PDPP Act, 1984.

The present Petition as PIL is also being filed seeking Writ of Mandamus in form of directions to the State of Uttar Pradesh to follow the procedure as per the guidelines of this Hon'ble Supreme Court given in 2009 and 2018, while claiming the damages to recover the losses caused to public property during said protest and further seeking to constitute of independent Judicial Inquiry to probe into the incidents occurred during the protests against the CAA-NRC in the State of Uttar Pradesh as has been done by Karnataka High Court in view of recent protests against CAA-NRC. This petition is filed by the petitioner in individual capacity.

1.2. That the present Writ Petition is being filled by the Petitioner, wherein Petitioner is a Lawyer and is well versed with the law of the country. The Petitioner has been involved with social work and legal aid societies in the past and understands his moral duty towards the citizens and persons living in this country.

1.3. That the reasons to come before this Hon'ble Supreme Court under Article 32 of the Constitution of India that the guidelines of the Hon'ble Allahabad High Court in said the Judgment passed in 2010 titled as **Mohammad Shujaiddin Vs.**

The State of Uttar Pradesh, in Writ – A NO.40831 of 2009 is clear violation and in contradiction with guidelines passed by this Hon'ble Supreme Court in 2009 and 2018 in above mentioned judgements on issue of how to deal with damage property during mass violence. The contradiction is that while the Supreme Court in 2009 put the Onus of assessment of damages and recovery from the Accused on High Courts of every State, whereas the Allahabad High Court had issued guidelines in 2010 Judgment that let the State Government to undertake these processes to recover damages, which has serious implications.

What is apparent in the High Court Order is that aspect of Judicial oversight in assessment of damages and recovery of compensation has been done away with. The High Court guidelines put the Onus of action on the Government, which is in clear violations of Supreme Court guidelines which say that the High Court to hear the Parties after the Claims Commissioner has filed Report on damages and then to determine the liability of Accused.

The Judicial oversight/ Judicial Review has been taken away by the Hon'ble Allahabad High Court in 2010 guidelines. The Judicial oversight/Judicial security is a sort of safety mechanism against arbitrary action. This means that there is every chance that the Ruling Party in the State could go after its Political opponents or others oppose to it to settle scores. The High Court Order in 2010 by vesting power in Government without Judicial oversight/Judicial security seems to have overlooked this concerned and not have in consonance with Supreme Court guidelines passed in 2009 and affirm in 2018.

The true translated copy of the Notice dated December 2019 for recovery of damages sent to one of the persons residing in the State of Uttar Pradesh is marked and annexed as **Annexure P-1** at Page N0. to .

1.4. That in the present Writ Petition under Article 32 of the Constitution of India being PIL, the other remedy is being sought to constitute independent Judicial

Enquiry into the incidents occurred during the protests against the CAA-NRC in the State of Uttar Pradesh as has been done by Karnataka High Court in view of recent protests against CAA-NRC. The reason to come before this Hon'ble Court directly under Article 32 of the Constitution of India is that there is a total Anarchy in the State of Uttar Pradesh and people are afraid of their lives and property so there is every likelihood that they will not be spared by the Uttar Pradesh Administration if they approach the High Court of Uttar Pradesh. So in order to get justice the Petitioner is moving before this Hon'ble Supreme Court.

Even before any demonstrations the Chief Minister of Uttar Pradesh had declared that there was no reason for anyone to protest against the CAA. On December 19, 2019 when the Protestors and Policemen first clashed in Lucknow, he angrily denounced the Protestors and said I will take 'Badla' or revenge on them. His office posted a series of congratulatory tweets such as every violent Protestor will cry now because there is a Yogi Government in Uttar Pradesh. India's most populous State is hostage to the recklessness of hating Chief Minister, his regime is to create one Community as enemy not citizens.

The Government of Uttar Pradesh and its Administration and Police are no longer behaving like the arm of a Democratic Government as it cracked down on protest against the Citizenship Amendment Act, 2019 [CAA]. The Police on the instructions of the Uttar Pradesh Administration used disproportionate force and denied public accountability. There is no Rule of Law in the State of Uttar Pradesh and complete violation of Fundamental Rights guaranteed under Article 14, 19, 20 and 21 of the Constitution of India in order to crack down the protests against Citizenship Amendment Act, 2019 [CAA].

2. FACTS OF THE CASE

2.1 That the Citizenship Act of 1955 was enacted with the provisions regulating citizenship for the migrants who have come to India.

2.2 That in 2007, this Hon'ble Supreme Court took note of intense of mass violence and resultant damages of public property across the Country. Therefore this Hon'ble Supreme Court formed two Committees under former Judge K.T. Thomas and Senior Advocate Fali S. Nariman to recommend the legal changes that could handle that situation.

Based on the recommendation of these two Committees the Supreme Court in 2009 in, **IN RE Destruction of Public and Private Properties Vs. Govt. of A.P. [2009] 5 SCC 212**, issued guidelines stating that in absence of State Legislation to recover such damages on account of violence, the High Court may take cognizance of incidents of mass damages to public property on its own in Sue Motto action and set up Machinery to investigate and award compensation. This can happen in two ways, the Court can take Sue Moto or the State Government may file a Petition before the High Court. The guidelines said that a sitting or retired High Court Judge may be appointed as a Claim Commissioner to estimate the damages or probe liability. Such Commissioner can take evidence on the instructions of the High Court. Once the liability assessed, it will be borne by the perpetrators of the violence and the organizers of the event.

2.3 That the Allahabad High Court in 2010 passed the guidelines in case titled as **Mohammad Shujaiddin Vs. The State of Uttar Pradesh, in Writ – A N0.40831 of 2009** in clear violations and in contradictions with guidelines passed by this Hon'ble Supreme Court in 2009. The contradiction is that while the Supreme Court in 2009 put the Onus of assessment of damages and recovery from the Accused on High Courts of every State, whereas the Allahabad High Court had issued guidelines in 2010 Judgment that let the State Government to undertake these processes to recover damages, which has serious implications.

What is apparent in the High Court Order is that aspect of Judicial oversight in assessment of damages and recovery of compensation has been done away with.

The High Court guidelines put the Onus of action on the Government, which is in clear violations of Supreme Court guidelines which say that the High Court to hear the Parties after the Claims Commissioner has filed Report on damages and then to determine the liability of Accused.

The Judicial oversight/ Judicial Review has been taken away by the Hon'ble Allahabad High Court in 2010 guidelines. The Judicial oversight/Judicial security is a sort of safety mechanism against arbitrary action. This means that there is every chance that the Ruling Party in the State could go after its Political opponents or others oppose to it to settle scores. The High Court Order in 2010 by vesting power in Government without Judicial oversight/Judicial security seems to have overlooked this concerned and not have in consonance with Supreme Court guidelines passed in 2009.

2.4 That the Citizenship [Amendment] Bill was presented in the Lok Sabha, but could not be presented in the Rajya Sabha.

2.5 That these guidelines of 2009 Judgment **IN RE Destruction of Public and Private Properties Vs. Govt. of A.P. [2009] 5 SCC 212** are re-appreciated and re-affirmed in 2018 by this Hon'ble Supreme Court in Judgment in **Writ Petition [Civil] N0.330 of 2018** titled as **Kodungallur Film Society & Anr Vs. Union of India & Ors, [2018] 10 SCC 713.**

2.6 That the Citizenship [Amendment] Bill was presented in the Lok Sabha and passed with a majority of 311 to 80 on 09.12.2019.

2.7 That the Citizenship [Amendment] Bill was presented in the Rajya Sabha and passed with a majority.

2.8 That the Hon'ble President of India signed the bill in December 2019.

2.9 That after passing of the CAA the Nationwide protests were started against the CAA-NRC. As evidence piled up it is clear that State of Uttar Pradesh has seen one of the worst episodes of large scale State violence against the one

Community anywhere in India. Even before any demonstrations the Chief Minister of Uttar Pradesh had declared that there was no reason for anyone to protest against the CAA. On December 19, 2019 when the Protestors and Policemen first clashed in Lucknow, he angrily denounced the Protestors and said I will take 'Badla' or revenge on them. His office posted a series of congratulatory tweets such as every violent Protestor will cry now because there is a Yogi Government in Uttar Pradesh. India's most populous State is hostage to the recklessness of hating Chief Minister, his regime is to create one Community as enemy not citizens.

The District Administration of Uttar Pradesh has sent Notices to people asking them to pay damages in Lakhs for the destruction of Government Properties during the recent protests against the Citizenship Amendment Act, 2019 [CAA]. These Notices were served by citing the 2010 Judgment of Allahabad High Court in **Writ – A N0.40831 of 2009** titled as **Mohammad Shujauddin Vs. The State of Uttar Pradesh** as their justification which refuse to the apathy of the Government of Uttar Pradesh in implementing the guidelines.

The Government of Uttar Pradesh and its Administration and Police are no longer behaving like the arm of a Democratic Government as it cracked down on protests against the Citizenship Amendment Act, 2019 [CAA]/NRC. The Police on the instructions of the Uttar Pradesh Administration used disproportionate force and denied public accountability. There are following instances which prove that there is no Rule of Law in the State of Uttar Pradesh and complete violation of Fundamental Rights guaranteed under Article 14, 19, 20 and 21 of the Constitution of India in order to crack down the protests against Citizenship Amendment Act, 2019 [CAA]/NRC.

I. On December 18, 2019 the Administration in State of UP took the unprecedented decision to impose the Section 144 Cr.P.C which bans the assembly of 5 or more people in Uttar Pradesh. The grounds for enforcing such sweeping

ban were dubious. Did the Government see an actual threat to Law and order across the entire State? Either way the prohibitory orders effectively outlawed protest even peaceful protest.

II. There is complete failure of Constitutional Machinery in the State of Uttar Pradesh by imposing ban on Public Meetings across the State in one sweep by invoking Section 144 Cr.P.C. which is a serious restriction on Fundamental Rights, Expression, Assembly and Association, therefore it is expected to be invoke only in circumstances where concrete evidence is available of threats to Public Order. The administration of Uttar Pradesh clearly has been violating guidelines placed by the Supreme Courts in several Judgments on using Section 144 Cr.P.C.

III. When the crowd in the State led by the Students and Civil Society Activist gathered peacefully, despite the ban, they were disrupted by the Police, resulting in large scale detentions and arrests in Lucknow and Varanasi .

On December 19, 2019 when the Muslims gathered for Friday Prayer at many places where there was no normal protest call, the Police Forces were positioned in Muslim neighborhood, for instance in Bijnour one of the video footages shows that Police initiated Lathi-charge on worshippers coming out from the Mosque, despite the residents said that they had gathered for Friday Prayer and not for a protest, but the action of the Police provoked Youth into throwing stones at them.

IV. Initially the Director General of Police of the State of Uttar Pradesh O.P. Singh claimed that the Police did not use the Bullets against the Protestors. In-fact the Police sought to blame Protestors for all bullet injuries saying several Policemen had sustained Gunshot wounds. However the Police Superintendent of Bijnour admitted one of the two Muslims men killed and died of the Police Bullet. Belatedly then Police filed the case against six Policemen for the killing. Not just Bijnour, Video footages across the State show that the Police are firing the Guns.

V. Not only the Police did employ the excessive force against one Community during the street clashes, they denied the Medical Aid to those who were injured, some of the whom were not even protestors.

Not only this the Policemen entered and ransacked Muslims homes, looted cash, beat up women and the elderly, broke the windows of cars, video footage has piled up showing a Police rampage in Community neighborhood in Lucknow, Kanpur, Meerut, Muzaffarnagar, Bijnour and the Police did not spare any of their belongings during the rampage.

VI. Even the minors from the Community have not been spared as multiple reports of Police arrests and detentions of Minors show. The most horrifying account of Police violence has been reported from Nagina Town in Bijnour where the minors told Reporters that they were beaten, deprived of sleep, subjected to torture by Policemen.

VII. Many of the Residents in multiple town told Reporters that the Police Riot were accompanied by men in civilian clothes and they are suspected to be Hindutva Activist roped in by the Adityanath Government as Police Mitra, literally the friends of Police under a community Policing Scheme.

VIII. Even without the infusion of Hindytva Activist the Police itself appeared to have acted on the basis of Anti Muslim sentiments. Video Footage shows a Police Officer in Meerut asking a Muslim man to go to Pakistan. Even the District Magistrate in Varanasi happened to be stated that these things keep happening when he was asked about a dead of an 11 years old in a stampede caused by unprovoked Lathi-charge.

IX. Since the violence erupted 1113 people had been arrested and 5558 people detained across the State the Government said on December 27, 2019. Among them a long time Social Activist, Human Rights Defendants and Students who

have been held for violent rioting, although the Video Footage and Eye Witness account show the protest was peaceful.

X. Those arrested and detained, however are overwhelmingly working class. Aiming to widen the scope of arrest the Police have published Reward Posters with Photographs of men some of whom can be seen throwing stones and indulging in arson, but many mainly standing on the street.

In Villages outside Lucknow even Muslim men who have not taken any part in any protest have been made to furnish Bonds against Breach of Peace and they fear that this could amount to a Criminal Record which interferes in their future employment.

XI. As evidence piled up it is clear that Uttar Pradesh has seen one of the worst episodes of large scale State violence against the one Community anywhere in India.

XII. In Uttar Pradesh the Police are no longer behaving like the arm of the Democratic Government. The Police used disproportionate force and denied public accountability in cracking down on protest against CAA. At-least 24 people have died in the protest against the CAA and NRC in the State of Uttar Pradesh. Most fell to Bullets while an 11 years old boy in Varanasi was crushed in the stampede figured by Police Lathi-charge.

This was a State where the Chief Minister promised 'Badla' or Revenge on Protestors who have vandalized the Public Property and Police did not seem to have differentiated between those who were violent and those who were not or even between those who protested and those who did not.

XIII. After days of denial the Police admitted that they did use force in some cases but only in self defence, but in case after case this seems to be untrue. In Varanasi where a 11 years old lost his life there is a video footage to show that the Police

started Lathi-charge on a large scale on a peaceful crowd in a narrow lane and when the crowd grew agitated the Police open fired.

XIV. In Bijnour and Lucknow the women stated that Policemen barging into their homes, beating them up and vandalizing property.

XV. At Aligarh Muslim University [AMU] one fact finding report suggest State forces used grenades on unarmed Students. In Bijnour where two men were killed, residents said that they had not even been protesting the Police wielded Lathis and used Tear-gas on a peaceful crowd coming out after Friday Prayers.

Police attention was concentrated on the Minority even in places where the Community showed no signs of protesting.

XVI. About 5400 people were taken into the custody and 705 sent to jail. Students and activists cutting across Communities have been detained. One activist who went to the Police Station to ask about the fate of people missing he was jailed on the dubious charges.

A Kashmiri Journalist for Hindu Newspaper was detained and insulted for his identity and Accused of orchestrating Protest. Internet shut down ment little information, Opposition Leaders were stopped as they tried to visit violence torn cities. The message is clear dissent will not be tolerated.

XVII. Some of the activists were charged for the sedition charges. The property of all Accused will be seized, attached and auctisoned if the Accused do not pay for the losses.

2.10 That in order to prevent this government from going against the Constitution and enacting the Act, the Petitioner has no other alternative remedy except to invoke the extra ordinary jurisdiction of this Hon'ble Supreme Court under Article 32 of the Constitution of India, on the following grounds amongst other:

3. **GROUND:**

A. BECAUSE the present Writ Petition is being filed under Article 32 of the Constitution of India as PIL seeking Writ of Certiorari Quashing and Stay the Notices [**Annexure P-1**] sent by District Administration of State of Uttar Pradesh to recover damages from Protestors on account of recent protest in December 2019 against Citizenship Amendment Act, 2019 [CAA] in the State of Uttar Pradesh based on flawed High Court Judgment passed by the Allahabad High Court in 2010 in **Writ – A NO.40831 of 2009** titled as **Mohammad Shujauddin Vs. The State of Uttar Pradesh**, which is in violation of the guidelines passed by this Hon'ble Supreme Court in a Judgment passed in 2009 titled as **In Re: Destruction of Public and Private Properties Vs. Govt. of A.P. [2009] 5 SCC 212** and the same guidelines have been re-appreciated and re-affirmed by this Hon'ble Supreme Court in a Judgment passed in 2018 in **Writ Petition [Civil] N0.330 of 2018** titled as **Kodungallur Film Society & Anr Vs. Union of India & Ors. [2018] 10 SCC 713**.

B. BECAUSE the present Petition as PIL is also being filed seeking Writ of Mandamus in form of directions to the State of Uttar Pradesh to follow the procedure as per the guidelines of this Hon'ble Supreme Court given in 2009 and 2018, while claiming the damages to recover the losses caused to public property during said protest and further seeking constitute of independent Judicial Inquiry to probe into into the incidents occurred during the protests against the CAA-NRC in the State of Uttar Pradesh as has been done by Karnataka High Court in view of recent protests against CAA-NRC.

C. BECAUSE the reasons to come before this Hon'ble Supreme Court under Article 32 of the Constitution of India that the guidelines of the Hon'ble Allahabad High Court in said the Judgment passed in 2010 titled as **Mohammad Shujauddin Vs. The State of Uttar Pradesh**, in **Writ – A NO.40831 of 2009** is clear violation

and in contradiction with guidelines passed by this Hon'ble Supreme Court in 2009 and 2018 in above mentioned judgements on issue of how to deal with damage property during mass violence. The contradiction is that while the Supreme Court in 2009 put the Onus of assessment of damages and recovery from the Accused on High Courts of every State, whereas the Allahabad High Court had issued guidelines in 2010 Judgment that let the State Government to undertake these processes to recover damages, which has serious implications.

What is apparent in the High Court Order is that aspect of Judicial oversight in assessment of damages and recovery of compensation has been done away with. The High Court guidelines put the Onus of action on the Government, which is in clear violations of Supreme Court guidelines which say that the High Court to hear the Parties after the Claims Commissioner has filed Report on damages and then to determine the liability of Accused.

D. BECAUSE the Judicial oversight/ Judicial Review has been taken away by the Hon'ble Allahabad High Court in 2010 guidelines. The Judicial oversight/Judicial security is a sort of safety mechanism against arbitrary action. This means that there is every chance that the Ruling Party in the State could go after its Political opponents or others oppose to it to settle scores. The High Court Order in 2010 by vesting power in Government without Judicial oversight/Judicial security seems to have overlooked this concerned and not have in consonance with Supreme Court guidelines passed in 2009 and affirm in 2018.

E. BECAUSE the BJP led Yogi Adityanath Government in State of Uttar Pradesh is moving ahead on the Chief Minister promise of avenging lost to Public Property by seizing assets of CAA-NRC Protectors in order to take revenge for Political reasons from one Community who is in minority, which means that 925 persons arrested so far for violent protest may not get Bail easily in Uttar Pradesh till they pay up for the loss as they have to be given Conditional Bail only after

they deposit an amount equal to the Quantified Losses. The Collectors will inform the committees to prepare inventories for the loss like Buses, Vehicles and Government Buildings.

Moreover, from bare Perusal of such Notice it is clear that the persons to whom the Notices have been sent, have not been booked under Panel Provisions and no details of FIR or any Criminal Offences have been made out against them. There is no detail of any crimes committed by them was is also against the guidelines by the Hon'ble Supreme Court which say that the such persons must be booked under the various Panel Provisions under IPC and PDPP Act, 1984.

F. BECAUSE in this sequence the Police had issued Notice in arbitrary manner against a person namely Banne Khan who died 6 years before at the age of 94 years and also sent Notices to 2 elderly persons who are more than 90 years and this reported Nationwide. One of them is 93 years old Fasaht Mir Khan who is bed ridden and another is 90 years Sufi Ansar Hussain who is suffering from Pneumonia. Both these people are members of peace committee to maintain peace in their respective areas and they maintain coordination with the Police. Both have been asked to present before Executive Magistrate and to furnish Bond of Rs.10,00,000/- [Rupees Ten Lakh Only] each to get Bail. As per Ansar Hussain, he was admitted to Sir Gangaram Hospital, Delhi in the end of December 2019.

In 2007, this Hon'ble Supreme Court took note of intense of mass violence and resultant damages of public property across the Country. Therefore this Hon'ble Supreme Court formed two Committees under former Judge K.T. Thomas and Senior Advocate Fali S. Nariman to recommend the legal changes that could handle that situation.

G. BECAUSE based on the recommendation of these two Committees the Supreme Court in 2009 in said case **IN RE Destruction of Public and Private Properties Vs. Govt. of A.P. [2009] 5 SCC 212**, issued guidelines stating that in

absence of State Legislation to recover such damages on account of violence, the High Court may take cognizance of incidents of mass damages to public property on its own in Sue Motto action and set up Machinery to investigate and award compensation. This can happen in two ways, the Court can take Sue Moto or the State Government may file a Petition before the High Court. The guidelines said that a sitting or retired High Court Judge may be appointed as a Claimed Commissioner to estimate the damages or probe liability. Such a Commissioner can take evidence on the instructions of the High Court. Once the liability assessed, it will be borne by the perpetrators of the violence and the organizers of the event.

These guidelines of 2009 Judgment **IN RE Destruction of Public and Private Properties Vs. Govt. of A.P. [2009] 5 SCC 212** are re-appreciated and re-affirmed in 2018 by this Hon'ble Supreme Court in Judgment in **Writ Petition [Civil] N0.330 of 2018** titled as **Kodungallur Film Society & Anr Vs. Union of India & Ors.** The relevant portion of the 2018 Judgment are re-produced herein-

“15. In the absence of legislation the following guidelines are to be adopted to assess damages:

(I) Wherever a mass destruction to property takes place due to protests or thereof, the High Court may issue suo motu action and set up a machinery to investigate the damage caused and to award compensation related thereto.

(II) Where there is more than one state involved, such action may be taken by the Supreme Court.

(III) In each case, the High Court or Supreme Court, as the case may be, appoint a sitting or retired High Court judge or a sitting or retired District judge as a Claims Commissioner to estimate the damages and investigate liability.

(IV) An Assessor may be appointed to assist the Claims Commissioner.

(V) The Claims Commissioner and the Assessor may seek instructions from the High Court or Supreme Court as the case may be, to summon the existing video or other recordings from private and public sources to pinpoint the damage and establish nexus with the perpetrators of the damage.

(VI) The principles of absolute liability shall apply once the nexus with the event that precipitated the damage is established.

(VII) The liability will be borne by the actual perpetrators of the crime as well as organisers of the event giving rise to the liability - to be shared, as finally determined by the High Court or Supreme Court as the case may be.

(VIII) Exemplary damages may be awarded to an extent not greater than twice the amount of the damages liable to be paid.

(IX) Damages shall be assessed for: (a) damages to public property; (b) damages to private property; (c) damages causing injury or death to a person or persons; (d) Cost of the actions by the authorities and police to take preventive and other actions.

(X) The Claims Commissioner will make a report to the High Court or Supreme Court which will determine the liability after hearing the parties.

16. The recommendations of Justice K.T. Thomas Committee and Mr F.S. Nariman Committee above which have the approval of this Court shall immediately become operative. They shall be operative as guidelines.

28. The present case is one in which guidelines are necessary: (i) to the police to enforce statutory duties, and (ii) to create a special purpose vehicle in respect of damages for riot cases.

This issue was examined by the Nariman Committee which considered:

—... where (in such cases) there is destruction/damage to properties and loss

of lives or injuries to persons— (i) the true measures of such damages, (ii) the modalities for imposition of such damages, and...|| (p. 2 of the Report).

29. These guidelines shall cease to be operative as and when appropriate legislation consistent with the guidelines indicated above are put in place and/or any fast track mechanism is created by the statute(s). [emphasis supplied]”

H. BECAUSE given these guidelines, it is clear that the Hon’ble Supreme Court has attached a crucial role for the High Courts and in case the violence was Inter-State, to itself in the assessment of damages and recovery for the compensation. The whole process, as per this Judgment, was supposed to be monitored by the high Court or the Supreme Court itself. The Claim Commissioner will make a Report to the Hon’ble High Court or this Hon’ble Supreme Court which will determine the liability after hearing the Parties.

I. BECAUSE the Hon’ble Supreme Court further said that it was leaving the matter on Authorities to take effective steps for the implementation. However, such steps have to be in consonance with the spirit of the said guidelines passed by this Hon’ble Supreme Court.

J. BECAUSE the District Administration of Uttar Pradesh has sent Notices to people asking them to pay damages in Lakhs for the destruction of Government Properties during the recent protests against the Citizenship Amendment Act, 2019 [CAA]. These Notices were served by citing the 2010 Judgment of Allahabad High Court in **Writ – A N0.40831 of 2009** titled as **Mohammad Shujauddin Vs. The State of Uttar Pradesh** as their justification which refuse to the apathy of the Government of Uttar Pradesh in implementing the guidelines.

K. BECAUSE in its Order the Allahabad High Court said that when public property is damaged, following a call for agitation by a Political Party or a Political Leader, the Police has to register a Report citing the Party or the person by name,

the same process is to be followed even if it is not a Political Party or a Representative but the person or group is identifiable.

Then the High Court said a Competent Authority nominated by the Government has to assess the damages and receive claims from the public. The relevant portion is reproduced herein:

“29. Keeping in mind practically in such matters, tentatively, this Court is of the view that certain directions further be issued. Respondent NO.1 is called upon to file its Affidavit, sworn by Secretary [Home] himself placing stand of the Government on these directions.

[i] As and when any incident of damage to public property takes place, if such agitation/procession etc. has been called at the invitation or instance of a Political Party or a sitting or former people's Representative, Report shall be registered by concerned Police Station against such Political Party/Person by name. Similar would be the action if such loss is caused by any other identifiable person or group.

[ii] The damage suffered to public property shall be assessed, the concerned Department, Local Body, Public Corporations etc. i.e. the owner of the property shall file a claim for realization of such amount from the Political Parties/Persons, as directed above, before the Competent Authority, as nominated by the Government in this regard, within next seven days.

[iii] It will open to any person in the area where such public property is damaged to approach the Competent Authority, as nominated above, for assessment of loss of the public property and realization from the person concerned in case no such action, as directed above, is taken by the Authorities. Such Application shall be attended by the Competent Authority as if filed by the Authority whose public property is damaged but the amount of money, if any, awarded and realized from the responsible persons, shall

be furnished to the concerned Department/Authorities to which the lost/damaged public property belong.

[iv] After giving an opportunity of hearing to the concerned persons, Competent Authority shall pass appropriate order within next 30 days. In case it is found that persons, against whom such claim is filed, the amount assessed and awarded by such Competent Authority shall be realized, if not paid on its own by the persons responsible within such time as directed by such Authority, arrears of land revenue. A Certificate to this effect shall be issued and sent by the Competent Authority to the concerned District Magistrate.

[v] For the above purpose, i.e. item [ii] and [iii], the State Government shall nominate an Officer not below the Rank of Additional District Magistrate in every District.

[vi] If the Authorities responsible for taking steps, as directed above, failed to observe their duties within the specified time, it shall be treated to be a misconduct justifying Disciplinary Action.

[vii] Failure to take preventive and deterrent action shall be treated as failure of discharge of duties on the part of the Station In-charge of the area concerned at the first instance, and, simultaneously the Circle Officer as well as Superintendent of Police/DIG of the District shall be responsible for lack of supervisory duties. It shall amount to misconduct under the Rules justifying Disciplinary Action in this regard.

[viii] If agitations and the loss of public property is recorded on camera by print of electronic media, they shall assist the Police by providing one copy of the byte/negative of the film/photographs etc. as the case may be, or in whatever form it is, so that it may be utilized as evidence in Criminal Case registered and to be investigated by Police.

[ix] The Police shall register cases as far as possible mentioning names of the persons, if agitations, processions etc. resulting in loss to public property participated by the people's Representative or Political Persons whose identity is well known.

[x] The Police shall ensure to invoke provisions of 1984 Act without fail, wherever applicable.

[xi] Regarding punishment etc, the Apex Court has taken the view that maximum punishment shall be imposed. For a lenient view, reasons shall be assigned. The Apex Court's decision laying down various guidelines relating to Executive and Judiciary shall be communicated to the concerned Authorities as well as the Courts by the Government as well as High Court, as the case may be.

[xii] The Government shall also ensure that Criminal Cases, in which Senior Officers of the Government, holding Class I posts or above i.e. the members of the State Services of All India Services are involved, they shall be prosecuted without avoidable delay. The sanctions, if any required, shall be decided within one month from the date of receipt of the letter from the concerned Authority.

[xiii] The trial shall be given top priority. In this regard, all possible steps shall be taken by requesting the concerned Courts to expedite trial in such matters.

[xiv] Similar steps shall also be taken for expeditious disposal Criminal Trials against the Political Persons in particular involving elected people's Representative[s] since it is in the interest of public at large that the question of blot, if any, on their conduct and character be adjudicated at the earliest. If they are clean, their record should be come straight at the earliest; and, if they are really culprit, they should be punished at the earliest so that they

may not be able to further misuse their position on account of mere pendency of Trails.

[xv] Investigations, inquiry in Criminal matters whether pending with Civil Police of C.B.C.I.D. or with any other Agency of the Government, shall be concluded in a time bound manner, and for this purpose, a proper scheme shall be submitted by the Government.

[xvi] The State Government shall constitute a high powered monitoring committee consisting of Principal Secretary [Law]/Legal Remembrancer, Government of U.P., Lucknow as Chairman and two members i.e. Director General of Police, U.P. Lucknow and one Officer from Home Department Government of U.P. Lucknow, not below the Rank of Special Secretary as Members. The District Magistrates and S.P./S.S.P./D.I.G. of the concerned District shall submit a monthly report to the high powered committee by 10th of the succeeding month.

[xvii] The aforesaid high powered monitoring committee shall review the reports received from various Districts every month and take appropriate steps if it finds anything wanting and in case it finds any lapses on the part of some Officer[s]/Authorities it shall recommend appropriate action against the Officer[s]/Authorities who shall proceed accordingly without fail.

L. BECAUSE the District Administration of State of Uttar Pradesh has sent Notices to people for their alleged involvement in damaging public property during anti CAA protest. The said Notices have been sent by a Panel set up under Additional District Magistrate by the Authorities. The people have been told that the Authorities found their involvement in alleged vandalism during the protest and they have been asked to send their Replies by 9-10 January 2020.

M. BECAUSE in the present Writ Petition under Article 32 of the Constitution of India being PIL, the other remedy is being sought to constitute independent

Judicial Enquiry into the incidents occurred during the protests against the CAA-NRC in the State of Uttar Pradesh as has been done by Karnataka High Court in view of recent protests against CAA-NRC. The reason to come before this Hon'ble Court directly under Article 32 of the Constitution of India is that there is a total Anarchy in the State of Uttar Pradesh and people are afraid of their lives and property so there is every likelihood that they will not be spared by the Uttar Pradesh Administration if they approach the High Court of Uttar Pradesh. So in order to get justice the Petitioner is moving before this Hon'ble Supreme Court.

N. BECAUSE even before any demonstrations the Chief Minister of Uttar Pradesh had declared that there was no reason for anyone to protest against the CAA. On December 19, 2019 when the Protestors and Policemen first clashed in Lucknow, he angrily denounced the Protestors and said I will take 'Badla' or revenge on them. His office posted a series of congratulatory tweets such as every violent Protestor will cry now because there is a Yogi Government in Uttar Pradesh. India's most populous State is hostage to the recklessness of hating Chief Minister, his regime is to create one Community as enemy not citizens.

O. BECAUSE the Government of Uttar Pradesh and its Administration and Police are no longer behaving like the arm of a Democratic Government as it cracked down on protest against the Citizenship Amendment Act, 2019 [CAA]. The Police on the instructions of the Uttar Pradesh Administration used disproportionate force and denied public accountability. There are following instances which prove that there is no Rule of Law in the State of Uttar Pradesh and complete violation of Fundamental Rights guaranteed under Article 14, 19, 20 and 21 of the Constitution of India in order to crack down the protests against Citizenship Amendment Act, 2019 [CAA].

I. On December 18, 2019 the Administration in State of UP took the unprecedented decision to impose the Section 144 Cr.P.C which bans the assembly

of 5 or more people in Uttar Pradesh. The grounds for enforcing such sweeping ban were dubious. Did the Government see an actual threat to Law and order across the entire State? Either way the prohibitory orders effectively outlawed protest even peaceful protest.

II. There is complete failure of Constitutional Machinery in the State of Uttar Pradesh by imposing ban on Public Meetings across the State in one sweep by invoking Section 144 Cr.P.C. which is a serious restriction on Fundamental Rights, Expression, Assembly and Association, therefore it is expected to be invoke only in circumstances where concrete evidence is available of threats to Public Order. The administration of Uttar Pradesh clearly has been violating guidelines placed by the Supreme Courts in several Judgments on using Section 144 Cr.P.C.

III. When the crowd in the State led by the Students and Civil Society Activist gathered peacefully, despite the ban, they were disrupted by the Police, resulting in large scale detentions and arrests in Lucknow and Varanasi .

On December 19, 2019 when the Muslims gathered for Friday Prayer at many places where there was no normal protest call, the Police Forces were positioned in Muslim neighborhood, for instance in Bijnour one of the video footages shows that Police initiated Lathi-charge on worshippers coming out from the Mosque, despite the residents said that they had gathered for Friday Prayer and not for a protest, but the action of the Police provoked Youth into throwing stones at them.

IV. Initially the Director General of Police of the State of Uttar Pradesh O.P. Singh claimed that the Police did not use the Bullets against the Protestors. In-fact the Police sought to blame Protestors for all bullet injuries saying several Policemen had sustained Gunshot wounds. However the Police Superintendent of Bijnour admitted one of the two Muslims men killed and died of the Police Bullet.

Belatedly then Police filed the case against six Policemen for the killing. Not just Bijnour, Video footages across the State show that the Police are firing the Guns.

V. Not only the Police did employ the excessive force against one Community during the street clashes, they denied the Medical Aid to those who were injured, some of the whom were not even protestors.

Not only this the Policemen entered and ransacked Muslims homes, looted cash, beat up women and the elderly, broke the windows of cars, video footage has piled up showing a Police rampage in Community neighborhood in Lucknow, Kanpur, Meerut, Muzaffarnagar, Bijnour and the Police did not spare any of their belongings during the rampage.

VI. Even the minors from the Community have not been spared as multiple reports of Police arrests and detentions of Minors show. The most horrifying account of Police violence has been reported from Nagina Town in Bijnour where the minors told Reporters that they were beaten, deprived of sleep, subjected to torture by Policemen.

VII. Many of the Residents in multiple town told Reporters that the Police Riot were accompanied by men in civilian clothes and they are suspected to be Hindutva Activist roped in by the Adityanath Government as Police Mitra, literally the friends of Police under a community Policing Scheme.

VIII. Even without the infusion of Hindytva Activist the Police itself appeared to have acted on the basis of Anti Muslim sentiments. Video Footage shows a Police Officer in Meerut asking a Muslim man to go to Pakistan. Even the District Magistrate in Varanasi happened to be stated that these things keep happening when he was asked about a dead of an 11 years old in a stampede caused by unprovoked Lathi-charge.

IX. Since the violence erupted 1113 people had been arrested and 5558 people detained across the State the Government said on December 27, 2019. Among

them a long time Social Activist, Human Rights Defendants and Students who have been held for violent rioting, although the Video Footage and Eye Witness account show the protest was peaceful.

X. Those arrested and detained, however are overwhelmingly working class. Aiming to widen the scope of arrest the Police have published Reward Posters with Photographs of men some of whom can be seen throwing stones and indulging in arson, but many mainly standing on the street.

In Villages outside Lucknow even Muslim men who have not taken any part in any protest have been made to furnish Bonds against Breach of Peace and they fear that this could amount to a Criminal Record which interferes in their future employment.

XI. As evidence piled up it is clear that Uttar Pradesh has seen one of the worst episodes of large scale State violence against the one Community anywhere in India.

XII. In Uttar Pradesh the Police are no longer behaving like the arm of the democratic Government . The Police used disproportionate force and denied public accountability in cracking down on protest against CAA. At-least 24 people have died in the protest against the CAA and NRC in the State of Uttar Pradesh. Most fell to Bullets while an 11 years old boy in Varanasi was crushed in the stampede figured by Police Lathi-charge.

This was a State where the Chief Minister promised 'Badla' or Revenge on Protestors who have vandalized the Public Property and Police did not seem to have differentiated between those who were violent and those who were not or even between those who protested and those who did not.

XIII. After days of denial the Police admitted that they did use force in some cases but only in self defence, but in case after case this seems to be untrue. In Varanasi where an 11 years old lost his life there is a video footage to show that the Police

started Lathi-charge on a large scale on a peaceful crowd in a narrow lane and when the crowd grew agitated the Police open fired.

XIV. In Bijnour and Lucknow the women stated that Policemen barging into their homes, beating them up and vandalizing property.

XV. At Aligarh Muslim University [AMU] one fact finding report suggest State forces used grenades on unarmed Students. In Bijnour where two men were killed, residents said that they had not even been protesting the Police wielded Lathis and used Tear-gas on a peaceful crowd coming out after Friday Prayers.

Police attention was concentrated on the Minority even in places where the Community showed no signs of protesting.

XVI. About 5400 people were taken into the custody and 705 sent to jail. Students and activists cutting across Communities have been detained. One activist who went to the Police Station to ask about the fate of people missing he was jailed on the dubious charges.

A Kashmiri Journalist for Hindu Newspaper was detained and insulted for his identity and Accused of orchestrating Protest. Internet shut down ment little information, Opposition Leaders were stopped as they tried to visit violence torn cities. The message is clear dissent will not be tolerated.

XVII. Some of the activists were charged for the sedition charges. The property of all Accused will be seized, attached and auctisoned if the Accused do not pay for the losses.

P. BECAUSE the provisions of the present Act in question are against the basic structure theory as pronounced by the Hon'ble Supreme Court. The Preamble of the constitution has laid down the basic structure for the constitution and overrides anything and everything done in violation of the principles laid down by the preamble. The Hon'ble Supreme Court has laid down the basic structure theory, which says that any law in violation of the basic structure of the constitution is

unconstitutional. The very same preamble gives the principle of secularism, which means that India is a secular state. Secularism means that every religion is respected and treated in the same way and the people of every religion stays together without any discrimination.

Q. BECAUSE the constitution under Article 14 gives a fundamental right of equality to its people. It states that there will not be any discrimination on the basis of caste, religion, creed, etc. Fundamental right of any person given by the constitution cannot be violated or infringed by other person or by any government as held by the Hon'ble Supreme Court at various occasions.

R. BECAUSE the provisions of the Act are violative of the right to equality given under the constitution as it does not adhere to the condition set under the article to treat every person equally. The Hon'ble Supreme Court in the case of *E P Royappavs State of Tamil Nadu, 1974 AIR 555* in 1973 observed that "equality is a dynamic concept with many aspects and dimensions and it cannot be cribbed, cabined and confined within the traditional and doctrinaire limits. From the positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies... where the act is arbitrary, it is implicit that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14."

S. BECAUSE the fundamental rights are rights given to the citizens of the country as well as the foreigners under the constitution. The Hon'ble Supreme Court has established with the help of a judgment that the fundamental rights are also the rights of the foreigners and applies to any and every person who is in India.

T. BECAUSE the contention of the government that the fundamental rights are not given to the foreigners and thus the provisions of the Act are unconstitutional is

entirely wrong. The provisions of the Act apply to the migrants and as established by the Supreme Court the fundamental rights are also the rights of the foreigners and the provisions of the bill violate the right to equality given under the constitution, therefore, the provisions of the Act are unconstitutional.

U. BECAUSE Articles 5 to 11 of the constitution give details of various categories of persons who are entitled to citizenship. Article 11 empowers Parliament to regulate citizenship. But this power given to the parliament does not mean that Parliament through an ordinary law can destroy the fundamental values or the basic structure of the constitution. The religious basis of citizenship would be a negation not only of secularism, but also of liberalism, equality and justice. This Act in whole surpasses the entire preamble.

V. BECAUSE the Hon'ble Supreme Court in the case of *Kesavananda Bharati Sripadagalvaru and Ors. v. State of Kerala and Anr*, (1973) 4 SCC 225 outlined the basic structure doctrine of the constitution. The 13-judge [Constitution Bench](#) of the Supreme Court deliberated on the limitations, if any, of the powers of the elected representatives of the people and the nature of fundamental rights of an individual. In a sharply divided verdict, by a margin of 7-6, the court held that while the Parliament has "wide" powers, it did not have the power to destroy or emasculate the basic elements or fundamental features of the constitution.

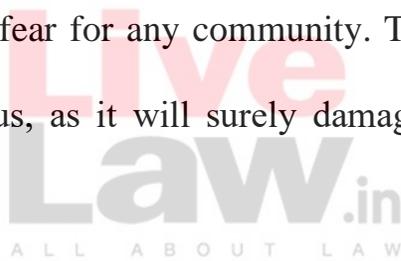
W. BECAUSE the Hon'ble Supreme Court in the case of *S. R. Bommai v. Union of India*, AIR 1994 SC 1918, while discussing the concept of secularism, held:-

“146. These provisions by implication prohibit the establishment of a theocratic State and prevent the State either identifying itself with or favouring any particular religion or religious sect or denomination. The

State is enjoined to accord equal treatment to all religions and religious sects and denominations.”

“Secularism is a part of the basic structure of the Constitution. The acts of a State Government which are calculated to subvert or sabotage secularism as enshrined in our Constitution, can lawfully be deemed to give rise to a situation in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution.”

X. BECAUSE this Act has already attracted a lot of criticism from all around the country. For centuries India has been a country of all religions and it should remain like that without any fear for any community. This Act in question is not unconstitutional but dangerous, as it will surely damage India’s standing in the comity of nations.



Y. BECAUSE the Respondent cannot override the constitution which has given them power in the first place and cannot ignore the precedence set by the Hon’ble Supreme Court.

Z. BECAUSE many governments since the Independence of India and since the time the Constitution has been adopted and enacted have worked long and hard and had played a major role in the formation and betterment of our democracy. That by bringing this act, the present governance is dematerialising the development of our democracy.

AA. BECAUSE India is a democracy and not an autocracy that the government can work on its own without looking out to the citizens of the country. The democratic form of government makes it a duty of the government to abide by its constitution and no act can be validated by any justification if it is against the very constitution of the country.

4. That the Petitioner is left with no other alternative remedy except to approach this Hon'ble Court by way of filing this present Writ Petition under Articles 32 of the Constitution of India.

5. That this Hon'ble Court has the jurisdiction to entertain the present petition, as this Hon'ble court has extra ordinary power of judicial review of the acts passed by the parliament.

6. That the present Petitioner has not filed any other petition in any High Court or the Supreme Court of India on the subject matter of the present petition.

7. That the present Petition is being filed in the most bona fide manner, as advised by law.

8. That the Petitioner has not filed any other similar petition before this Hon'ble Court or any other courts for the similar relief.

9. That the Petitioner will bear the costs of the petition if this Hon'ble Court directs any imposition of costs in this regard.

PRAYER:

In view of the abovementioned facts and circumstances and in the interest of justice, it is most respectfully prayed that this Hon'ble Court may be pleased to:

A. Issue an appropriate Writ, Order or direction in the nature of Certiorari for Quashing the Notices dated December 2019 sent by District Administration of State of Uttar Pradesh to recover damages from Protestors on account of recent protests in December 2019 against Citizenship Amendment Act, 2019 [CAA]/NRC and /or

B. Issue an appropriate Writ, Order or direction in the nature of Mandamus in form of directions to the State of Uttar Pradesh to follow the procedure as per the guidelines of this Hon'ble Supreme Court given in 2009 and 2018, while claiming

the damages to recover the losses caused to public property during said protest and /or

C. Issue an appropriate Writ, Order or direction in the nature of mandamus directing the respondents to constitute / set up independent Judicial Inquiry to probe into the incidents occurred during the protests against the CAA-NRC in the State of Uttar Pradesh and / or

D. Pass any such further order or direction as this Hon'ble Court may in the facts and circumstances deem fit against the respondents in the facts and circumstances of the present case;

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

Drawn By

KHUSHI MOHAMMED

NILOFAR KHAN

ANJUM PARVEZ

DRAWN ON:-03.01.2020

FILED ON:- 10.01.2020

Filed By

NILOFAR KHAN

[Advocate for the Petitioner]



IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. OF 2020

IN

WRIT PETITION [CIVIL] NO. OF 2020

IN THE MATTER OF:-

PARWAIZ ARIF TITU ...PETITIONER

Vs

THE STATE OF UTTAR PRADESH ...RESPONDENT

AN APPLICATION SEEKING FOR STAY

To,

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF

THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF

THE PETITIONER ABOVE NAMED

RESPECTFULLY SHOWETH:-

1. That this is a Writ Petition under Article 32 of the Constitution of India as PIL seeking Writ of Certiorari for Quashing and Stay the Notices dated December 2019 [**Annexure P-1**] sent by District Administration of State of Uttar Pradesh to recover damages for the public losses caused to public property from Protestors on account of recent protests in December 2019 against Citizenship Amendment Act, 2019 [CAA]/NRC in the State of Uttar Pradesh based on flawed High Court Judgment passed by the Allahabad High Court in 2010 in **Writ – A NO.40831 of 2009** titled as **Mohammad Shujauddin Vs. The State of Uttar Pradesh**, which is in violation of the guidelines passed by this Hon'ble Supreme Court in a Judgment

passed in 2009 titled as **In Re: Destruction of Public and Private Properties Vs. Govt. of A.P. [2009] 5 SCC 212** and the same guidelines have been re-appreciated and re-affirmed by this Hon'ble Supreme Court in a Judgment passed in 2018 in **Writ Petition [Civil] N0.330 of 2018** titled as **Kodungallur Film Society & Anr Vs. Union of India & Ors, [2018] 10 SCC 713.**

Moreover, from bare Perusal of such Notice it is clear that the persons to whom the Notices have been sent, have not been booked under Panel Provisions and no details of FIR or any Criminal Offences have been made out against them. There is no detail of any crimes committed by them was is also against the guidelines by the Hon'ble Supreme Court which say that the such persons must be booked under the various Panel Provisions under IPC and PDPP Act, 1984.

2. That the Notices are bad in Law neither in consonance with Supreme Court guidelines nor fulfils the requirement of booking the Accused under Panel Offences. Therefore the entire process of recovery of damages for the public loss caused to the public property is illegal. Hence, may be stayed by this Hon'ble Court keeping in view the legal sanctity.

3. That the present application is being filed bona fide and in the interested of justice.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

A. Pass a Stay order against the Notices dated December 2019 issued by the Uttar Pradesh Administration for recovery of damages for the losses caused to public property during the pendency of present writ petition and / or.

B. Pass any other order/orders that this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

Drawn By

Filed By

KHUSHI MOHAMMED

NILOFAR KHAN

ANJUM PARVEZ

NILOFAR KHAN

DRAWN ON:-03.01.2020

[Advocate for the Petitioner]

FILED ON:- 10.01.2020

