

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI
(CIVIL WRIT JURISDICTION)

W.P. (CIVIL) NO. OF 2020

IN THE MATTER OF:

Rajesh

...Petitioner

Vs.

Govt. of NCT of Delhi & Ors.

...Respondents

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FILED BY

For: SunRaj Law

(Advocates & Solicitors)

Office: E-305 (Basement), Sector-27, Noida-201301.

Ph: +91-9711184111

Place: New Delhi

Dated: 27.01.2020

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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

(CIVIL WRIT JURISDICTION)

W.P. (CIVIL) NO. OF 2020

IN THE MATTER OF:

Rajesh

...Petitioner

Vs.

Govt. of NCT of Delhi & Ors.

...Respondents

NOTICE OF MOTION

Take notice that the accompanying Writ Petition will be listed before the Hon'ble Court on 28.01.2020 at 10:30 am or soon thereafter as may be convenient to the Hon'ble Court.

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PETITIONER

THROUGH

COUNSEL FOR PETITIONERS
For: SunRaj Law
(Advocates & Solicitors)

Office: E-305 (Basement), Sector-27, Noida-201301.

New Delhi

Date: 27.01.2020

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

(CIVIL WRIT JURISDICTION)

W.P. (CIVIL) NO. OF 2020

IN THE MATTER OF:

RajeshPetitioner

Vs.

Govt. of NCT of Delhi & Ors. ...Respondents

URGENT APPLICATION

To,
The Registrar,
Delhi High Court,
New Delhi.



Sir,

Kindly treat the accompanying Writ Petition as urgent one as per High Court Rules as urgent relief is prayed for and the urgency is:

"Stay and Setting aside/Quashing of the Impugned action of Respondents of issuing challan under the provisions of the Motor Vehicles Act, 1988 illegally treating markings of "I love (4heart symbol) Kejriwal" and "Sirf Kejriwal" on auto as Advertisement."

PETITIONER

THROUGH

COUNSELS FOR PETITIONER
For: SunRaj Law
(Advocates & Solicitors)

Office: E-305 (Basement), Sector-27, Noida-201301.

New Delhi

Date: 27.01.2020

LIST OF DATES AND EVENTS

- 2019 That the Petitioner herein is an Indian Citizen, earning his livelihood by driving an auto in Delhi, having all the permits and permission for doing so. It is submitted that the petitioner is a person belonging to lower-class and barely making the ends meet by driving an auto.
- 2019 That the petitioner had got painted words "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal" on the back of his auto sometime in September-October 2019 out of his free will and without any coercion, allurements, inducement, monetary incentive and force from anyone, and had been plying his auto in Delhi since without any issue or warning from any government department for the use of words "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal".
- 14.01.2020 In view of the impending elections in Delhi, the Model Code of Conduct was issued by the Respondent No. 3 in the NCT of Delhi on 14.01.2020.
- 15.01.2020 The petitioner was driving his auto bearing No. DL 1 RU 2572 from Kalindi Kunj towards Apollo Hospital in Delhi on 15.01.2020, when he was stopped by the traffic police and illegally challaned for permit violation u/s who

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6(1)/192A of The Motor Vehicles Act, 1988, for Rs. 10,000/- (Rupees Ten Thousand Only) on account of the markings of "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal" on his auto, by noting the remarks "symbol on body, advertisement of political party to court of conduct". The petitioner told the traffic police, that the said markings of "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal" have been imprinted by him only, without any force or allurement by any political party including the contesting Aam Aadmi Party, it's candidates or members and moreover the said markings of "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal" were not in any way an advertisement for the Aam Aadmi Party or it's candidates, despite which the impugned challan was issued to the petitioner.

15.01.2020

That the Respondent No. 2 in complete contravention of the fundamental rights guaranteed under Articles 14, 19(1)(a) and 21 of the Constitution of India acting out of political malice have not only illegally issued the impugned challan to the petitioner, but further bound him down from exercising his right to free speech and expression in future as well, without giving any basis or justification.

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That the petitioner is placed in a very low status of the society, having no power to question the impugned action of the respondents, and now the petitioner's fundamental rights have been violated by imposing hefty fines of Rs. 10,000/- illegally by illegal exercise of power to issue challan under the provisions of The Motor Vehicles Act, 1988. Therefore the petitioner has no other choice but to approach this Hon'ble Court.

27.01.2020

Hence, this present Writ Petition.

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

(CIVIL WRIT JURISDICTION)

W.P. (CIVIL) NO. OF 2020

IN THE MATTER OF:

Rajesh ...Petitioner

Vs.

Govt. of NCT of Delhi & Ors. ...Respondents

MEMO OF PARTIES



...Petitioner

1/ Govt. of NCT of Delhi,
Through its Secretary,
New Delhi.

2. Commissioner of Police,
I.P.Estate, New Delhi.

3. Election Commission of India,
Through its Chief Electoral Officer, Delhi,
New Delhi.

...Respondents

Filed by

**For: SunRaj Law
(Advocates & Solicitors)**

Office: E-305 (Basement), Sector-27, Noida-201301.

New Delhi

Date: 27.01.2020

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

(CIVIL WRIT JURISDICTION)

W.P. (CIVIL) NO. OF 2020

IN THE MATTER OF:

Rajesh ...Petitioner

Vs.

Govt. of NCT of Delhi & Ors. ...Respondents

AND

IN THE MATTER OF Article 226 & 227 of the Constitution of India

AND

IN THE MATTER OF Article 14, 19 (1) (a) and 21 of the Constitution of India

AND

IN THE MATTER OF denial of fair and equitable treatment to the Petitioner due to issuance of Impugned challan for violations under Motor Vehicles Act, 1988 by treating markings of 'I love Kejriwal' and 'Sirf Kejriwal' as Advertisement.

AND IN THE MATTER OF:

THE PRESENT WRIT PETITION IS BEING FILED UNDER ARTTCLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DECLARING THE IMPUGNED CHALLAN ISSUED TO PETITIONER AS ILLEGAL AND VIOLATIVE OF RIGHTS GUARANTEED UNDER ARTCILES 14, 19(1) (A) AND 21 OF THE CONSTITUTION OF INDIA, THEREBY DENYING EQUITABLE TREATMENT TO THE PETITIONER, FOR DIRECTING RESPONDENTS TO NOT CHALLAN THE PETITIONERS ILLEGALLY.

TO,

THE HON'BLE CHIEF JUSTICE

AND HIS OTHER COMPANION JUDGES OF
HON'BLE DELHI HIGH COURT

THE HUMBLE PETITION OF THE
ABOVENAMED PETITIONER

MOST RESPECTFULLY SHOWETH:

1. The Respondent No. 2 herein in complete contravention of the fundamental rights guaranteed under Articles 14, 19(1)(a) and 21 of the Constitution of India acting out of political malice have not only illegally issued the impugned challan to the petitioner, but further bound him down from exercising his right to free speech and expression in future as well, without giving any basis or justification.
2. It is submitted that the Respondent No. 2 has erred by misusing the powers under the provisions of The Motor Vehicles Act, 1988, to issue the impugned challan to the petitioner to curtail his right to free speech and expression guaranteed under the Constitution of India, and further giving a political color to the voice of the petitioner illegally by treating it as an advertisement.
3. That the brief facts and circumstances of the case are given below for kind consideration of this Hon'ble Court:
 - 3.1 That the Petitioner herein is an Indian Citizen, earning his livelihood by driving an auto in Delhi, having all the permits and permission for doing so. It is submitted that the petitioner is a person belonging to lower-class and barely making the ends meet by driving an auto. A true and correct copy of the permit for Auto bearing No. DL 1 RU 2572 is annexed herewith and marked as **Annexure P - 1**.

3.2 That the petitioner had got painted words "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal" on the back of his auto sometime in September-October' 2019 out of his free will and without any coercion, allurements, inducement, monetary incentive and force from anyone, and had been plying his auto in Delhi since without any issue or warning from any government department for the use of words "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal". A true and correct copy of the photo of the markings similar to that on auto of the Petitioner is annexed herewith and marked as

Annexure P-2.

3.3 In view of the impending elections in Delhi, the Model Code of Conduct was issued by the Respondent No. 3 in the NCT of Delhi on 14.01.2020.

3.4 The petitioner was driving his auto bearing No. DL 1 RU 2572 from Kalindi Kunj towards Apollo Hospital in Delhi on 15.01.2020, when he was stopped by the traffic police and illegally challaned for permit violation u/s who 6(1)/192A of The Motor Vehicles Act, 1988, for Rs. 10,000/- (Rupees Ten Thousand Only) on account of the markings of "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal" on his auto, by noting the remarks "symbol on body, advertisement of political party to court of conduct". The petitioner told the traffic police, that the said markings of "I Love (heart symbol) Kejriwal" and "Sirf Kejriwal" have been imprinted by him only, without any force or allurements by any political party including the contesting Aam Aadmi Party, its candidates or members and moreover the said markings of

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"I Love (heart symbol) Kejriwal" and "Sirf Kejriwal" were not in any way an advertisement for the Aam Aadmi Party or its candidates, despite which the impugned challan was issued to the petitioner. A true and correct copy of the impugned traffic challan No. SVC-0349-2534-2020 dt. 15.01.2020 issued to the Petitioner is annexed herewith and marked as **Annexure P-3**.

3.5 That the Respondent No. 2 in complete contravention of the fundamental rights guaranteed under Articles 14, 19(1)(a) and 21 of the Constitution of India acting out of political malice have not only illegally issued the impugned challan to the petitioner, but further bound him down from exercising his right to free speech and expression in future as well, without giving any basis or justification.

3.6. That the petitioner is placed in a very low status of the society, having no power to question the impugned action of the respondents, and now the petitioner's fundamental rights have been violated by imposing hefty fines of Rs. 10,000/- illegally by illegal exercise of power to issue challan under the provisions of The Motor Vehicles Act, 1988. Therefore the petitioner has no other choice but to approach this Hon'ble Court.

4. Grounds with legal Provisions:

The Petitioner herein is aggrieved by the impugned action of the Respondents and wishes to challenge them, on their being illegal, arbitrary and unjustified amongst other, including any ground(s) available at the time of arguments on the following grounds:

- 4.1 For that the respondents herein have misused their powers by invoking the provisions of The Motor Vehicles Act, 1988, treating the markings of 'I love (heart symbol) Kejriwal' and "Sirf Kejriwal" as an advertisement of political party, even though neither the Act of 1988 or the model code of conduct prohibit any usage of such terms on a vehicle, used out of free will and without any force or allurements or monetary incentive. It is submitted that even otherwise the word 'Kejriwal' is not limited to any one person and there are several people with the same surname.
- 4.2 For that the respondents have failed to appreciate, that the markings of 'I love (heart symbol) Kejriwal' and "Sirf Kejriwal" do not contain any symbol of any political party including Aam Aadmi Party. It is submitted that the impugned challan issued by the respondents is violative of the's right to free speech and expression guaranteed to the petitioner and has been issued out of political malice.
- 4.3 For that the respondents have failed to appreciate that the word 'advertisement' by itself connotes some sort of monetary exchange or financial gain in lieu of advertising and therefore the markings of 'I love (heart symbol) Kejriwal' and "Sirf Kejriwal" on the basis of which impugned challan has been issued, does not in any manner violate the terms of the permit to warrant a challan under sections 66(1)/192A of the Act of 1988, as the said markings are neither an advertisement, nor has the petitioner derived any monetary or other benefit by marking said words behind his auto.

- 4.4 For that the respondents failed to appreciate that the basis for issuing the impugned challan by mentioning "*symbol on body, advertisement of political party to court of conduct*", is a deliberate attempt to give a political color to the markings of "I love (heart symbol) Kejriwal" and "Sirf Kejriwal" and curtail the free speech and expression of the petitioner, thereby violating the constitutional rights guaranteed under Article 19 (1)(a) of the Constitution. It is submitted that there is no relation whatsoever between the basis for issuing the impugned challan and the provisions invoked for doing so.
- 4.5 For that the illegality of the impugned action exercised by the respondents can also be viewed from the fact that the impugned challan issued to the petitioner, came to be issued only after the model code of conduct was invoked in Delhi on 14.01.2020, and no such challans were issued before the date. It is further submitted that the respondents have no basis for justifying the impugned action of issuing challans after 14.01.2020.
- 4.6 For that the respondents ought to have appreciated that the usage of the markings of "I love (heart symbol) Kejriwal" and "Sirf Kejriwal" by the petitioner behind his auto does not constitute any misuse, impermissible act or an act causing undue harassment or damage to the public or hindering free and fair elections in Delhi. It is submitted that auto of the petitioner is not a public property, and therefore any use of the same within the permissible limits, cannot be subjected to illegal violation of his

constitutional rights.

5. It is further submitted that the Petitioner does not have any other efficacious remedy apart from approaching this Hon'ble court.
6. The Petitioner submits that he have no alternative adequate and/or equally efficacious remedy available other than the remedy under Article 226/227 of the Constitution of India.
7. That there is no delay or latches in filing the present Petition and this Hon'ble Court has jurisdiction to entertain and try the same under Article 226/227 of the Constitution of India.
8. In regard to the relief sought in the present Petition, the Petitioner has not filed any other Writ Petition or any other proceedings in this Hon'ble Court, whether on the original side or on the appellate side, or in any other court or the Hon'ble Supreme Court claiming similar relief.
9. The Petitioner respectfully submits that the Respondents offices are situated within the jurisdiction of this Hon'ble Court. The cause of action has arisen within the jurisdiction of this Hon'ble Court. The Respondents are amenable to the jurisdiction of this Hon'ble Court. Therefore, this Hon'ble Court has jurisdiction to entertain and try the present petition.

PRAYER

In the aforesaid circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to issue writ of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India to:

- a) set aside/quash the impugned challan bearing No. SVC-0349-2534-2020 dt. 15.01.2020 issued by the Respondent No. 2 being violative of rights guaranteed under Articles 14, 19(1)(a) and 21 of the Constitution of India;
- b) Direct Respondents herein to refrain from issuing challan to the Petitioner for using the markings of 'I love (heart symbol) Kejriwal' and "Sirf Kejriwal" on his auto, by declaring that the markings of 'I love (heart symbol) Kejriwal' and "Sirf Kejriwal" on an auto do not constitute an advertisement of political nature and are not violative of the terms of permit to warrant a challan under the provisions of The Motor Vehicles Act, 1988;
- c) Pass any such other and such further orders as this Hon'ble Court may deem and proper in the interest of justice.

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

Raveth
PETITIONER

THROUGH

[Signature]
(NITIN K. GUPTA)
COUNSELS FOR PETITIONER
For: SunRaj Law
(Advocates & Solicitors)

Office: E-305 (Basement), Sector-27, Noida-201301.
 Ph: 9711184111

Place: New Delhi
 Dated: 27.01.2020

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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI
(CIVIL WRIT JURISDICTION)

W.P. (CIVIL) NO. OF 2020

IN THE MATTER OF:

Rajesh

...Petitioner

Vs.

Govt. of NCT of Delhi & Ors.

...Respondents

AFFIDAVIT

I, Rajesh, S/o Sh. Sohan Singh, Aged 27 year, R/o. H. No. 194, Near Jaitpur Thana, JJ Colony, Madanpur Khadar Ph-III, Sarita Vihar S.O., Delhi - 110076, do hereby solemnly affirm and state as under:-

1. That I am the Petitioner in the above mentioned case and as such am well conversant with the facts of the case and I am competent to swear this affidavit.

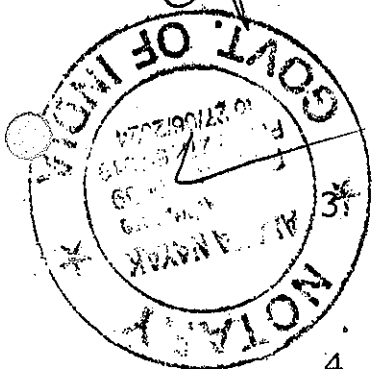
Identified the deponent who has signed in my presence

2. That the List of Dates, paras 1 to 9 at pages ___ to ___ of accompanying Writ Petition and prayer has been drafted by my counsel under my instructions and the contents therein are true and correct to my knowledge and belief and as per the available records.

That the Petitioner has not filed any other petition seeking same relief before any other Court of Law.

4. That all the copies of Annexures are true copies.

5. That no part of this Affidavit is false and no material facts have been concealed therefrom.



27 JAN 2020

Rajesh
DEPONENT

VERIFICATION:-

Verified at New Delhi on 27th day of January, 2020, that the contents of above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Has been read & explained to him are true & correct to my knowledge

Rajesh
DEPONENT

NOTARY

Page No. 1-1

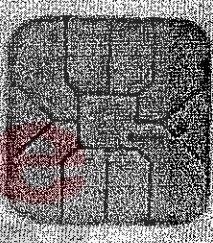
14

Transport Department, Govt. of NCT of Delhi

Apppl. No. 17011415 **TSR Permit**

Name: **MOHD NAVED**
F/H Name: **RAFIUDDIN**
Permit No: **DL/51TSR/2016/5298**

Address
**2323 GALLI MIR MADARI
RODGRAN**



Veh. Regn. No.: **DL 1R U2572**
Make: **BAJAJ AUTO LTD**


(Holder's Sign.)

Veh. Class: **Three Wheeler (Passenger)**
Seat Cap: **4 (3+1)**
Model: **2016**
Valid From: **23/07/2016 to 22/07/2021**

Sign. of Issuing Auth.
Issuing Authority: **BURARI ZONE**

This annexure is true copy
of the original Document

I ♥ KEJRIWAL

Made in India

Live Law.in

194 कोरीवाल

COMPACT

NG

"keep distance"

DL-1R
V-7616

Challan Copy Receipt
Circle: SVC

Annexure P-3

Challan No.: DL 206632031/5105602

Challan Ref No.: SVC 0349-2534-2020

Date: Jan 15, 2020 10:56 AM

Vehicle No.: DL1RU2572

Vehicle Type: 3W

Vehicle Class: TSR

Violator Type: Driver

R.C Information:

Owner Name: MOHD NAVED

Owner Father Name: RAFI UDDIN

Owner Address: 2323 GALI MIR, MADART

RODGRAN, Central-110006

Owner Mobile No: 9717147621

RC Reg Date: 13-Jul-2016

National Permit: Valid Upto: N/A

State Permit: Valid Upto: N/A

RC/Fitness: Valid Upto: 13 Aug 2021

Pollution: Valid Upto: 20 Mar 2020

Fuel type: PETROL/CNG

Insurance: Valid Upto: N/A

D/L Information:

D/L No.: DL05 20120175908

Driver Name: RAJESH

Driver Father Name: SDHAN

Driver Address: H.NO-194 PH-III, JJ

COLONY, MADANPUR KHADAR, SOUTH DELHI

Driver Mobile No: 8750362388

DL Validity: 04-03-2032

Location: ROAD NO 13 A

Playing from KALINDI KUNJ to APOLD

Offence Committed:

1. Permit Violation - 66(1)/192 A MVA

Challan Amount in INR: 0

Your traffic challan bearing No
SVC-0349-2534-2020 dt Jan 15, 2020
10:56 AM For vehicle no DL1RU2572 is
sent to virtual court for disposal as
per law. You will shortly receive a
message/update from virtual court on
your registered number enabling you
to make the payment on online web
portal.

**Document Impounded from the
defaulter:**

1. Driving Licence (DL0520120175908)

Remarks: Symbol on Body

Advertisement Of Political Party To

Court Of Conduct

Sign Of Violator/Receiver.....

Sign Of Challenging Officer

DAYANAND (878/T : 28872133) 451

Witness Name:

1. CT ARVIND4527/T

2. *Ar*

This is true copy
of the original Document

Please make a photocopy. This is a
heat sensitive thermal printout and
it will fade away.

Taip copy, Annexure P-3

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Annexure P-3

Challan cum Receipt

Circle : SVC

Challan No.: DL 20663200115105602

Challan Ref No. : SVC 0349 2534 2020

Date: Jan 15, 2020 10:56 AM

Vehicle No. DL1RU2572

Vehicle Type: 3W

Vehicle Class: TSR

Violater Type: Driver

R.C. Information:

Owner Name: Mohd. Javed

Owner Father name: Rafiuddin

Owner Address: 2323 Gali Mir, Madarirodgran, Central-110006.

Owner Mobile No.: 91717147621

RC Reg Date: 13-Jul-2016

National Permit: Valid upto N/A

State Permit: Valid upto N/A

RC/Fitness : Valid upto : 13 Aug 2021

Pollution: Valid upto : 20 Mar 2020

Fule Type: Petrol/CNG

Insurance: Valid upto N/A

D/L Information:

D/L No.: DL05 20120175908

Driver Name: Rajesh

Driver Father Name: Sohan

Driver Address: H. No. 194, Ph-III, JJ Colony, MAdanpur Khadar,
South Delhi.

Driver Mobil No.: 8750362388

DL Validity: 04-03-2032

Location: Road No 13A

Playing from Kalindi Kunj to Apolo

Offence Committed:

- 1. Permit Violation - 66(1)/192A MVA

Challan Amount in INR:0

Your traffic challan bearing no. SVC-0349-2534-2020 dt. Jan 15, 2020 10:56AM For Vehicle no DL1RU2572 is sent to virtual court for disposal as per law. You will shortly receive a message/update from virtual court on your registered mobile enabling you to make the payment on online web portal.

Document Impounded from the defaulter:

- 1. Driving Licence (DL0520120175908)

Remarks: Symbol on Body, Advertisement of Political Party to Court of Conduct.

Sign of violator/Receiver.....

Sd/-

Sign of challenging officer

Sd/-

Dayanand (878/1: 28872133) ASI

Witness name:

- 1. CT Arvind 4527/1

- 2. Sd/-

.....
.....

Please make a photocopy. This is a heat sensitive thermal printout and it will fade away.

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI
(CIVIL WRIT JURISDICTION)

CM Appl. No. _____ of 2020

IN

W.P. (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

Rajesh ...Petitioner
Vs.
Govt. of NCT of Delhi & Ors. Respondents

APPLICATION FOR STAY U/S 151 CPC.

MOST RESPECTFULLY SHOWETH:

- 1) That the present Writ Petition is filed by the Petitioner against the Impugned challan issued to the petitioner to curtail his right to free speech and expression guaranteed under the Constitution of India, and further giving a political color to the voice of the petitioner illegally by treating it as an advertisement.
- 2) That the contents of the Writ Petition are not being repeated herein for the sake of brevity and same may be read as part and parcel of the present application. The Petitioner craves leave of this Hon'ble Court to refer and rely upon the same at the time of hearing of the present application.
- 3) It is submitted that the Petitioner herein have been plying auto in Delhi for last many years, complying with all the permit requirements, despite which the Petitioner's fundamental rights have been illegally violated by issuing impugned challan, out of political malice.

- 4) It is submitted that admittedly the petitioner herein has been rendered liable to pay a hefty fine of Rs. 10,000/- by violating of his fundamental rights, and his right to free speech has been curtailed.
- 5) It is further submitted that vide the impugned challan dt. 15.01.2020, the Respondents have already challaned the Petitioner and will further challan the Petitioner for continuing to exercise the constitutional right, which would cause further irreparable loss and damage to the Petitioner.
- 6) It is further submitted that the Petitioner herein have made out a *prima facie* case, and as such it is most respectfully prayed that this Hon'ble court be pleased to grant a stay on the impugned action of the Respondents, till the pendency of the present writ petition failing which irreparable loss and damage would be caused to the Petitioner and balance of convenience is also in the favor of the Petitioner.
- 7) It is further submitted that in any case no prejudice would be caused to the Respondents herein, if there is a stay granted against the impugned action and as such, it is in the interest of justice that no further action be taken till the pendency of the present writ petition.
- 8) It is submitted that the present application has been made in a bona fide manner, and there are no delay or laches the filing of the present writ petition and application for stay, and as such the present application for stay is paid to be allowed in interest of justice.

PRAYER

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

- a) grant stay on the impugned action of issuing challan under the provisions of MV Act, 1988 for the usage of markings "I love (heart symbol) Kejriwal" and "Sirf Kejriwal"; and
- b) Pass any such other and such further orders as this Hon'ble Court may deem and proper in the interest of justice.

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



Ravesh

PETITIONER/APPLICANT

THROUGH

[Signature]

**(NITIN K. GUPTA)
COUNSEL FOR PETITIONER**

**For: SunRaj Law
(Advocates & Solicitors)**

Office: E-305 (Basement), Sector-27, Noida-201301.

Ph: 9711184111

Place: New Delhi

Dated: 27.01.2020

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W.P. (CIVIL) NO. OF 2020

IN THE MATTER OF:

Rajesh ...Petitioner
Vs.
Govt. of NCT of Delhi & Ors. ...Respondents

AFFIDAVIT



1. That I am the Petitioner in the above mentioned case and as such am well conversant with the facts of the case and I am competent to swear this affidavit.

Identified the deponent who has signed in my presence

That the contents of the accompanying stay u/s 151 CPC has been drafted by my counsel under my instructions and the contents therein are true and correct to my knowledge and belief and as per the available records.

That no part of this Affidavit is false and no material facts have been concealed therefrom.



27 JAN 2020

DEPONENT

VERIFICATION:-

Verified at New Delhi on 27th day of January, 2020, that the contents of above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

(CIVIL WRIT JURISDICTION)

CM Appl. No. _____ of 2020

IN

W.P. (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

Rajesh ...Petitioner

Vs.

Govt. of NCT of Delhi & Ors. ...Respondents

**APPLICATION FOR EXEMPTION FROM FILING TYPED
COPIED OF ANNEXURES U/S 151 CPC**

MOST RESPECTFULLY SHOWETH:

- 1) That the present Writ Petition is filed by the Petitioner against the Impugned challan issued to the petitioner to curtail his right to free speech and expression guaranteed under the Constitution of India, and further giving a political color to the voice of the petitioner illegally by treating it as an advertisement.
- 2) That the contents of the Writ Petition are not being repeated herein for the sake of brevity and same may be read as part and parcel of the present application. The Petitioners craves leave of this Hon'ble Court to refer and rely upon the same at the time of hearing of the present application.
- 3) That it is submitted that due to bona fide reasons and urgency as stated in the Petition, which are beyond the control of the Petitioner, the Petitioner is unable to file the typed Copies of certain Annexures forming part of the present Writ Petition.

- 4) That it is submitted that the Petitioner has placed true and correct copies of the Annexures and undertakes to place on record the typed copies of the Annexures as and when directed by this Hon'ble Court.
- 5) That in view of the aforesaid facts and circumstances, it would be in the interest of justice that this Hon'ble Court may allow the present application for exemption from filing typed copies of certain annexures.

PRAYER

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

- a) grant exemption from filing typed copies of Annexures forming part of the accompanying Writ Petition; and
- b) Pass any such other and such further orders as this Hon'ble Court may deem and proper in the interest of justice.

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

PETITIONER / APPLICANT

THROUGH

**COUNSELS FOR PETITIONER
For: SunRaj Law
(Advocates & Solicitors)**

Office: E-305 (Basement), Sector-27, Noida-201301.

Ph: 9711184111

Place: New Delhi

Dated: 27.01.2020

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

27

(CIVIL WRIT JURISDICTION)

W.P. (CIVIL) NO. OF 2020

IN THE MATTER OF:

Rajesh

...Petitioner

Vs.

Govt. of NCT of Delhi & Ors.

...Respondents

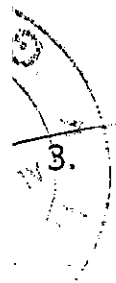
AFFIDAVIT



and state as under:-

1. That I am the Petitioner in the above mentioned case and as such am well conversant with the facts of the case and I am competent to swear this affidavit.
2. That the contents of the accompanying Application for exemption from filing typed copies of annexures has been drafted by my counsel under my instructions and the contents therein are true and correct to my knowledge and belief and as per the available records.
3. That no part of this Affidavit is false and no material facts have been concealed therefrom.

102. who presence



DEPONENT

VERIFICATION: 27 JAN 2020

Verified at New Delhi on 27th day of January, 2020, that the contents of above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT