

ITEM NO.4

COURT NO.2

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.6286/2020

(Arising out of impugned final judgment and order dated 09-03-2020 in PIL No.532/2020 passed by the High Court Of Judicature At Allahabad)

STATE OF UTTAR PRADESH

Petitioner(s)

VERSUS

HIGH COURT OF JUDICATURE AT ALLAHABAD
THROUGH REGISTRAR GENERAL
ALLAHABAD, U.P.

Respondent(s)

(IN RE: BANNERS ON ROADSIDE IN THE CITY OF LUCKNOW)

(FOR ADMISSION and I.R.; IA No.44497/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.44498/2020 - FOR EXEMPTION FROM FILING O.T.)

Date : 12-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Tushar Mehta, SG
Mr. Raghvendra Singh, AG
Mr. Abhinav Agrawal, Adv.
Mr. Anshu Davar, Adv.
Mr. Alakh Alok Srivastava, Adv.
Mr. Sujit Kumar Jha, Adv.
Mr. Dhawal Uniyal, Adv.
Ms. Garima Prashad, AOR

For Intervener(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Sanjay Hegde, Sr. Adv.
Mr. Saif Mahmood, Adv.
Mr. Talha Rahman, Adv.
Mr. Yashab Rizvi, Adv.
Mr. Udit, Adv.
Mr. Shaz Khan, Adv.
Mr. Shadan Farasat, AOR

Mr. C.U. Singh, Sr. Adv.
Mr. Prashanto Sen, Adv.
Mr. Talha A. Rahman, AOR
Mr. Yashab Husain Rizvi, Adv.
Mr. Shaz Khan, Adv.
Mr. Udit Kokanthankar, Adv.

Mr. Colin Gonsalves, Sr. Adv.
Mr. Siddharth Seem, Adv.
Mr. Satya Mitra, Adv.
Mr. Aman Khan, Adv.

Mr. S.G. Hasnain, Sr. Adv.
Mr. Yasir Rauf, Adv.
Mr. Aftab Ali Khan, Adv.
Mr. Ali Safeer Farooqui, Adv.
Mr. Tanveer Ahmad Khan, Adv.
Mr. Syed Fazal, Adv.
Mr. Syed Imtiyaz Ali, Adv.
Mr. Tauqeer Ahmad Khan, Adv.
Mr. Arvind Kumar Kanva, Adv.
Mr. Syed Mansoor Ali Rizvi, Adv.
Mr. Mumtaz Alam Siddiqui, Adv.

Ms. Vrinda Grover, Adv.
Mr. Soutik Banerjee, Adv.
Mr. Aakarsh Kamra, Adv.

Mr. Mehmood Pracha, Adv.
Mr. Mansoor Ali, AOR

Mr. Varun Thakur, Adv.
Mr. Fajal Khan, Adv.
Mr. Varinder Kumar Sharma, AOR

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

This Special Leave Petition arises out of Order dated 09.03.2020 passed by the High Court of Judicature at Allahabad in Public Interest Litigation No.532 of 2020. The Public Interest Litigation arose out of *Suo Moto* action taken by the High Court and the background facts as noted by the High Court in its Order are as under:

"In this public interest writ proceedings undertaken by the Court at its own, the simple question is the legitimacy of the display of photographs, name and address of certain persons by the district administration and police administration of the city of Lucknow through banners. The banners came up at a major road side with personal details of more than 50 persons those accused of vandalism during protest in the month of December, 2019. The poster is seeking compensation from the accused persons and further to confiscate their property, if they failed to pay compensation."

After considering the matter, the High Court concluded as under:

"We have examined the action of the State under consideration in the instant matter by the touch stones aforesaid. So far as legality part is concerned, suffice to state that no law is in existence permitting the State to place the banners with personal data of the accused from whom compensation is to be charged. The legitimate goal as held by the Supreme Court in the case of *K.S. Puttaswamy (supra)* the proposed action must be necessary for a democratic society for a legitimate aim. On scaling, the act of the State in the instant matter, we do not find any necessity for a democratic society for a legitimate aim to have publication of personal data and identity. The accused persons are the accused from whom some compensation is to be recovered and in no manner they are fugitive. Learned Advocate General also failed to satisfy us as to why placement of the banners is necessary for a democratic society for a legitimate aim."

We have heard Mr. Tushar Mehta, learned Solicitor General for the State, Dr. Abhishek Manu Singhvi, Mr. Colin Gonsalves and Mr. C.U. Singh, learned Senior Advocates for some of the persons whose names and pictures were displayed in the hoardings.

With the assistance of the learned counsel, we went through the decisions of this Court in *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632; *In Re: Destruction of Public & Private Properties v. State of A.P. & Others*, (2009) 5 SCC 212; *K.S. Puttaswamy & Another v. Union of India & Others*, (2017) 10 SCC 1; and, order dated 31.01.2020 passed in *Parwaiz Arif Titu v. State of Uttar Pradesh*, Writ Petition (Civil) No.55 of 2020.

Learned counsel appearing for both sides principally relied upon certain paragraphs from the decision of this Court in *K.S. Puttaswamy (supra)*.

Learned Solicitor General also relied upon the decision of the Supreme Court of United Kingdom *in the matter of an application by JR38 for Judicial Review (Northern Ireland)*, (2015) UKSC 42 and particularly paragraphs 2, 3 and 73 of the decision. He also placed for our consideration text of Article 8 of the European Convention on Human Rights (ECHR), which was subject matter of discussion in said decision and submitted that the action taken by the State in the instant case was fully justified.

The submissions were countered by learned counsel appearing on the other side who submitted *inter alia* that the State as an authority could not indulge in naming and printing the pictures of individuals as it did and that the decision of this Court in *K.S. Puttaswamy (supra)* would completely conclude the issue.

Considering the nature of the matter and issue of significance involved therein, in our view, the matter be placed before a Bench of at least Three Judges as early as possible and preferably in the week commencing 16th March 2020.

We, therefore, direct:

Let papers be placed by the Registry before Hon'ble the Chief Justice of India immediately so that a Bench of sufficient strength can be constituted by Hon'ble the Chief Justice of India in the coming week to hear and consider the controversy involved in the matter.

Liberty is granted to those individuals whose names and pictures appeared in the hoardings to implead themselves in the present proceedings. If such applications for impleadment are filed, the Registry is directed to list said applications along with the main matter.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER