

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 1404 OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF

RISHABH SHARMA

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT

**ADDITIONAL AFFIDAVIT OF THE PETITIONER ABOVE
NAMED**

1. I am the Petitioner had filed above Writ Petition under Article 32 of the Constitution of India interalia for the following reliefs:-

- a. Issue a writ of mandamus or other appropriate writ order or direction directing Respondents and the concerned authorities to open all the borders of Delhi;
- b. Issue a writ of mandamus or other appropriate writ order or direction directing Respondents and the concerned authorities to shift the protestors at the allotted place and provide guidelines related to social distancing and use of mask at the protest place;
- c. Issue such other appropriate writ order or direction that may be deemed to be just and equitable in the facts and circumstances of the case and in the interest of justice. The Petitioner is a citizen of India and interested in safeguarding the interest of public at



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large and ventilating the grievances of public regarding the issues of public importance, in the exercise of his duty in terms of Article 51A (j) of the Constitution and with a view to promote the Rule of Law, has preferred the instant Writ Petition under Article 32 of the Constitution of India in Public Interest.

2. That since 26.11.2020 the farmers union, majorly from State of Punjab along with few farmers union from adjoining States such as Haryana and Uttar Pradesh started demonstration against the farm bills by indulging into continuous protest at Delhi and U.P. borders by blocking the entry route to Delhi which is blatantly in violation and contrary to the judgement passed by this Hon'ble Court in the case of Amit Sahni vs Commissioner of Police & Ors., Civil Appeal No.3282 of 2020. Consequent to the filing of the Petition, the Hon'ble Supreme Court led by the bench of Hon'ble Chief Justice of India upon hearing the parties on 16th and 17th December, 2020 allowed the farmers to continue with the protest in non-violent manner and the protest should not result in damage to the life and properties of other citizens and should be in accordance with the law and there should not be any breach of peace either by the protestor or the police. While issuing the notice to the Respondents, the Hon'ble Court had also given liberty to the Petitioner to serve the copy upon the unserved Respondents and /or impleaded farmers. The Applicant shall crave leave to refer to and rely upon the said order as and when produced.

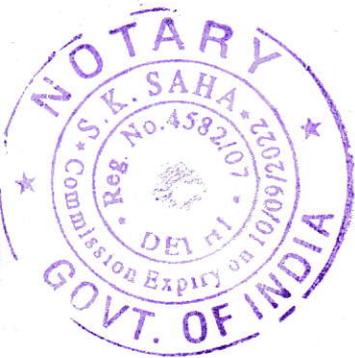
3. That the petitioner state that In compliance with the Hon'ble Court's order dated 16th And 17th December, 2020, approximately 42 farmers union have been impleaded as party Respondents and the copy of the Petition has been served and the steps been taken to serve the copy of the Petition to the impleaded farmers union.



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4. That in order to bring the ground reality before this Hon'ble court which will show that why this Hon'ble Court should take cognizance of issue and relief as prayed in the Petition be granted in order to protect the rights of common citizens under the constitution of India which guarantees the right of free movement and right to earn livelihood, the petitioner is annexing various media and website reports which will demonstrate that the farmers union have indulged into the public road blockage at various borders such as Noida Chilla Border Tikri Border, Sindhu Border, Gazipur Border, Delhi Rohtak National Highway. Even farmers union has destroyed various mobile towers in the state of Punjab and have also threatened to take tractor rally on the republic day. Hereto annexed and marked as Exhibit "A-1" (Colly) copies of various media reports.

5. On perusal of this media reports, it is crystal clear that the Respondents farmers union who have been blocking the public road and highways leading to Delhi since 26.11.2020 and have also went on to blocking the public roads such as Delhi-Jaipur Highway, Delhi-Haryana Border even after the orders of this Hon'ble Court on 17.12.2020 wherein the Hon'ble Supreme Court had clearly stated that the protest should be non-violent and without breach of any peace and subject to the public order. It is further stated that as per these media reports at some places there were certain violent protest at such as at Chilla Border and Moradabad in U.P causing inconvenience to the citizens. It is stated that the continuation of the protest in non-violent manner should also be done in such a manner that it will not create hurdles and inconvenience to the other citizens and hence obstructing and blocking the public road should also be avoided in order to give other citizen a free movement. However, the continuous blockage of public road by the farmers union



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at various places is only causing undue hardship to the common citizens of this country which is again violating their constitutional rights of free movements. It is stated that the blockage of such kind is causing unnecessary hardships to the common citizen due to huge traffic jams and these citizens are prevented from travelling to the required destination in Delhi for the purpose of earning their livelihood and hence it is emphatically submitted that if such kind of blockage in public road is allowed to be continued it will only deny few of the citizens from earning their livelihood since their free movement is either curtailed or obstructed due to the blockage of public roads. Hence, it desirable that the Respondents farmer union be caution not to block the public road.

6. The petitioner further submits that farmers protest , road blocks have not only caused great hardship and in convenience to the common citizens of India but also have increased the cost of raw material by almost 30 % as per latest report published in times of India on 24th December 2020; if the farmers protest as such is allowed to continue by allowing them to block the Public Road; it will not only contradict this Hon'ble courts own judgment in Shaheen Baugh Matter but also it will cause hardship and inconvenience to common citizen as increase in cost of raw material will automatically increase the cost of finished goods which also put burden on the common citizen who are already facing tough time due to ongoing COVID crises . Petitioner further states that as per another report published in the daily news paper " The Hindu" the farmers protest is causing daily loss of 3500 crore and if the protest in the manner in which it is carried will cause continuous loss which will further deteriorate the economy of the country . Hereto



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annexed and marked as Exhibit "B- (Colly) copies of above media reports.

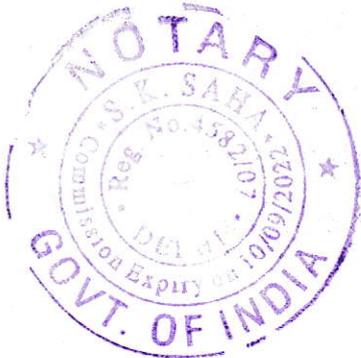
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DEPONENT

VERIFICATION

Verified this on this 08th day of January 2021, at Delhi that the contents of the above Affidavit from para 1 to 3 are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

DEPONENT



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