

IN THE HIGH COURT OF DELHI AT NEW DELHI

(ORIGINAL (C.) WRIT JURISDICTION)

WRIT PETITION (C.) NO. OF 2020

[Petition under Article 226 of the Constitution of India]

IN THE MATTER OF : A Public Interest litigation

Ajay Gautam
S/o Late Shri Kishan Chand Gautam.

...Petitioner

Versus

1. GNCT of Delhi
Through Chief Secretary
A Wing, IP Estate
Delhi Secretariat , New Delhi 110002.
2. Commissioner of Police, Delhi
MSO Buildings
Police Headquarter
ITO, Delhi-110002
3. Union of India
through Ministry of Home
Through Secretary Home
North Block.Delhi 110001.

.Respondents.

PUBLIC INTEREST LITIGATION IN THE FORM OF WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA TO IDENTIFY PLACES / ROADS E.G. SUNDER NAGRI KHUREJI , HAUJ RANI , AZAD MARKET, JAFRABAAD, KASAB PURA INDERLOK, Kerdam Puri , JHEEL KHUREJE, SEELAM PUR, JAFARABAAD, etc. WHICH HAVE BEEN ILLEGALLY ENCROACHED/BLOCKED BY SO CALLED AGITATORS/PROTESTERS PROTESTING AGAINST CAA {Citizenship (Amendment) Act, 2020} SINCE LAST MORE THAN 70 DAYS LIKE AND DIRECT THE CONCERNED AUTHORITIES TO IMMEDIATELY EVACUATE THE SO-CALLED PROTESTORS FROM THE ABOVE SITES AND CLEAR THE ROAD BLOCKAGE WITH IMMEDIATE EFFECT BY USING APPROPRIATE FORCE, IF NECESSARY – AND FOR ENFORCEMENT OF FUNDAMENTAL RIGHTS OF THE CITIZENS GUARANTEED UNDER CONSTITUTION OF INDIA SPECIALLY UNDER ARTICLES 19 AND 21.

AND

FOR ISSUANCE OF NECESSARY ORDERS AND/OR DIRECTIONS TO GOVERNMENT OF NCT OF DELHI AND UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS THROUGH NATIONAL INVESTIGATION AGENCY TO INVESTIGATE THE MATTER TO FIND OUT ANTI NATIONAL FORCES BEHIND THESE PROTESTS ON THE LINES OF PALESTINE MODEL WHEREIN KIDS AND WOMAN WERE USED AS SHIELD FOR CARRYING OUT ANTI NATIONAL ACTIVITIES AND TO INVESTIGATE ROLE OF ANTI NATIONAL ORGANIZATION NAMED CALLED AND KNOWN AS PEOPLE'S FRONT OF INDIA (PFI) WHO IS FUNDING, MOTIVATING AND SUPPORTING BACKING THESE ANTI-NATIONAL PROTEST.

AND

ISSUANCE OF ORDERS AND DIRECTIONS TO THE GOVERNMENT OF NCT OF DELHI AND UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS FOR IDENTIFYING THOSE ANTI-INDIA FORCES WHO ARE FUNDING AND SPONSORING THESE ANTI-INDIA PROTESTS AND ARE OPENLY THREATENING TO KILL PRIME MINISTER AND HOME MINISTER OF INDIA WHICH IS EVIDENT FROM THE VIDEOS GONE VIRAL IN SOCIAL MEDIA AND DIRECT THE STATE AUTHORITIES TO NORMALIZE THE SITUATION FOR THE SAKE OF CONVENIENCE OF THE GENERAL PUBLIC.

AND

ISSUANCE OF ORDERS AND DIRECTIONS TO THE GOVERNMENT OF NCT OF DELHI AND UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS TO DEPLOYED APPROPRIATE FORCE AT NORTH EAST DELHI TO SAVE LIFE AND PROPERTY OF THE CITIZENS AS WELL AS CONTROL THE SITUATION BY MAKING NECESSARY ARREST OF MISCREANTS WHO INVOLVED IN KILLING OF CITIZENS AND DAMAGING PROPERTY OF CITIZENS BY SETTING IT IN FIRE IN FRONT OF POLICE ON NAME OF PROTEST AGAINST CAA {CITIZENSHIP (AMENDMENT) ACT, 2020} FOR LAST 72 DAYS.

To

The Hon'ble Chief Justice of the

Hon'ble High Court of Delhi

And His Companion Justices

Of the Hon'ble High Court of Delhi.

The humble petition of the
Petitioner above named.

MOST RESPECTFULLY SHOWETH:

1. **Declaration and undertaking of the petitioner:**

The Petitioner is filling the present Public Interest Litigation for the benefit of the general public and the present petition is not guided by self gain or gain of any particular person, institution, and body. It is declared by the petitioner that the petitioner never filed any petition against the illegal constriction, encroachment, transfer, appointment, economical, or financial issues. The petitioner does not has any property on his name.

2. **Source of information:**

The sources of information for the purpose of filling the present petition is information available in public domain.

3. **Class of persons who is benefited**

The present petition is for welfare of general public and litigants.

4. **The bodies who affected**

That by this writ petition (PIL) only respondents, no other person's/bodies/institutions are likely to be affected.

5. Particulars of the Petitioner :

The petitioner herein is a peace loving and law abiding citizen of this country and is engaged in social activities being a public spirited person and he is a priest and is doing his practice in accordance with the Sanatan Dharma.

The petitioner has understood that in the course of hearing of this petition, the Court may require any security to be furnished towards costs or any other charges and the petition shall comply with such requirement. The petitioner has understood that the petitioner has means to pay the costs, if any, imposed by the Court.

6. Any representation etc.

That petitioner made oral representation by way of electronic/ telephonic communication to the respondents .

7. That following are the issues raised by the Petitioner:

A. Petitioner was filed WP (C) 11649/2017 before this Hon'ble Court for issuance of guidelines for safety of citizens in premises of Police station during any kind of work, inquiry or investigations.

B. Petitioner was filed WP (C) 10268/2017 before this Hon'ble Court for installation of CCTV cameras with

recording features and save its recording for 1 months for safety of citizens in premises of Police station during any kind of work, inquiry or investigations.

C. Petitioner has filed WP (C) 2865/2018 before this Hon'ble Court for issuance of guidelines for Police as well as court of Metropolitan Magistrate while dealing or deciding an Application filed U/S 156 (3) of the Code. And environmental issues . Etc.

8. QUESTION OF LAW:

- I. Whether The state is bound to protect the life, liberty and property of the Citizens under the Article 19 and 21 of the constitution or not ?
- II. Whether a particular community/section of the society can be permitted to flagrantly violate and infringe fundamental rights of the general public by resorting to such hooliganism and chaos i.e. blocking of public roads, metro stations by them in the garb of their peaceful agitation against enforcement of CAA?
- III. Whether general public has a right to feel safe and secure on the roads and whether they can think of returning home safely once they are out on the road when there are also instances of snap road

blocks, which are usually taken over by the hooligans and in damaging the vehicles, attacking the commuters and the distorting the public and private properties and this sort of incidents create a psychosis of fear in the mind of general public and they are in doubts?

IV. Whether the persons who have been squatting at various places in the Capital in the garb of peaceful protesting against CAA can be permitted to block public roads and stop general public from using those roads?

V. Whether blocking of the arterial roads of the capital in the garb of peaceful protests against CAA does not amount to nuisance?

Facts in brief, constituting the cause :

9. That a bill has been passed by the Indian Parliament named Citizenship (Amendment) Act, 2020 on 11.12.2019.

10. That it seems that Muslims in India are feeling aggrieved due to passing of this bill and they have started protests at various places in Delhi like Shaheen Bagh, Jheel Khureje, Inder Lok, Seelampur , Jafrabaad etc. During these protests by them, numerous private and public properties have been set on fire by them and police and innocent

citizens have been beaten up by them; not only this, school buses too have been attacked in one of the site of protest viz., Seelam Pur, Delhi on 17.12.2019; petrol bombs too have been used on 20.12.2019 , in some places. The relevant pictures in support of the submission made in this para Dated 25.02.2020 are annexed as **Annexure P-1.**

11. That Muslim Universities like Jamia Islamia and Aligarh muslim University and JNU are also actively involved in these protests and have seen large-scale violence and private and public property have been set on fire and police had to resort to firing also at many places and violence has been reported at many places and all this is in the garb of protests. Casualty too have been reported in the month of December 2019.

12. It is pertinent to mention here that aforesaid CAA has absolutely nothing to do with the Muslims who have been living in India; but despite knowing this fact, they have been unnecessarily protesting against it for their vested interests and on being provoked and instigated by Anti-India forces and on many occasions these protesters have shouted pro-Pak slogans.

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13. That a legality and validity of aforesaid CAA is under challenge before the Apex Court and matter is pending for adjudication.
14. That despite the fact that CAA is pending adjudication before the Apex court the members of Muslim community in several parts of the country and specially in National Capital in various place of Delhi like Shaheen Bagh, Seelampur, Jafraabad, Jheel Khureje , Inder lok, Okhla and many other places have blocked several important and crucial roads in utter disregard and disrespect towards the Hon'ble Supreme Court and the Parliament as well as democratic procedure and in fact they have resorted to anarchy and have created havoc and chaos in almost every part of the city and country.
15. In first instance, Shaheen Bagh , Road no.13 A and its connecting road have been blocked by so called protesters who protesting there since 15th December, 2019. These roads connect Delhi to Noida and Faridabad and vice-versa.
16. That the pattern of protest is also very suspicious. Old women and children are being used as main protesters and the men of their community stand behind them and they openly behave as if they are from Palestine or agents of Gulf countries. It is also important to mention here that a

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4 year's old child died on .04.02.2020 during these protests and her mother instead of mourning the death of her son, openly shouted that she is ready to sacrifice her another child for this cause.

17. That it is not a normal protest; it is submitted that anti national and Anti-Hindu forces are behind these protests and some vested interests/parties/countries are funding these protesters.
18. That Enforcement Directorate has said on 06.02.2020 that anti India PFI is funding Saheen Bagh Protest and Congress and AAP too are supporting these protesters openly and said news is available on public domain published by media sources.
19. That in Saheen Bagh protest, various person who are the accused of sedition charges in different cases and known face of anti Hindu/ anti Ram Mandir thoughts joined the protest since beginning to till now, it is submitted that Kanhiya Kumar, Shashi Tharoor, Mani Shankar Iyer, Digvijaya Singh, Chander Shakher Anurag Kashyap, Teesta Seetalwad, Swara Bhaskar and Sr. Advocate Salman Khursheed, etc. Etc. And addressed the crowd of protesters of Azadi Gang and provoked them against the law and order and State and they are required to be prosecute under the provision of law.

20. That in the name of protest the miner children under the brainwash process and using as a tool in the protest, in shaheen bagh two children seeing in a video wherein they threaten to kill prime minister as well as home minister in Shaheen Bagh protest dated 17.01.2020 and said videos are available/ viral in public domain.

21. That in the name of protest the following incidents of hate and provoking speeches are reported and same are available in public domain

- i. *Dt. 16.11.2019. ASSUDDIN OWASHI: I WANT MY MASJID BACK. (after Ram Mandir Verdict.)*
- ii. *Dt. 17.01.2020 HUM AMIT SHAH AUR MODI KO MAAR KER RAHENG , LE KER RAHENG AZADI, (statement of 7 year old girl).*
- iii. *Dt. 14.12.2019: HEMARE JIMMEDARE BANTI HAE HUM SADKO PER BAHAR NIKLE, ANDOLAN KARE, ES PAAR YA US PAAR KA FESLA LENA PADETA HAE , AAJ VAHE VAKT AA GEYA HAE(Sonia Gandhi and Priyanka Gandhi)*
- iv. *Dt. 16.12.2019: HINDUTVA KI KABAR KHUDEGE AMU KI DHARTI PER (AMU students)*
- v. *Dt, 10.01.2020: MODI TERE KABER KHUDEGE, YOGI TERE KABER KUEGE AMU KI DHARTI PER (AMU students).*
- vi. *Dt, 10.01.2020: HUM LEKER RAHENG AAJADI JINNAH WALI AZADI.*
- vii. *Dt, 23.1.2020: HUMNE KABHE KOSHISH NAHE KARE KI HINDUTAN TUT JAYE , VERA ROK NAHE PAYENG, HUM US KOM SE HAE, BERBAAD KERNE PER AAYENG TEB CHORENG NAHE.(student leader).*
- viii. *Dt. 25.01.2020: (5 LAC LOGO KO RAIL KI PATRI PER BITHA DO, ITNA BHER DO KI AEK MAHINA LEG JAYE, AIR FORCE USE KERNA PADE, ASSAM KO KATNA HEMARE JIMEDARE HAE, ASSAM AUR INDIA KET KER*

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ALAG HO JAYE TABHE HEMARE BAAT SUNI JAYEGE. (student leader).

- ix. 21.02.2020: EET KA JEWAB PETHER SE DENA SEKH LEYA HAE, HUME EKHTHA HOKER CHALNA PADEGA, AJADE LENE PADEGE, USE CHENENA PADEGA, HUM 15 CARORE BHARE HAE 100 CARORE PER YE YAAD REKHNA. (Waris Pathan)

22. It is submitted that, it's a long history of hate speech by AIMM leaders, Assuuddin Oawshi on 05.06.2014 threaten to kill entire Hindu community by stating that

AAJ CENTAR MAE BJP KE GOVERNMENT BANENE JA RAHE HAE USKE 280 SE JEYADA SEAT AA GAYE HAE HUM ALLAH SE DOOR HO GAYE THE TU ALLAH NA TUM KUTTO KO HEMARE PECHE LEGA DEYA, YE KUTTE HAE KUTTE KE BACCHE HAE TUM KHUDA KE TAREF PALTO SE KHATEM HONGE INSHA ALLAH, YE GUNDO KO KHATEM KERO YE KEHA KE BHE GUNDE HONGE KHATEM KERO INKE MUNDI KUCHLO INLOGO KE KHOON BAHEGA PANE KE TERHA.

It is further submitted that the another leader of this Party named Akberuddin Owashi on 23.12.2012 threaten to Hindu comuinty " 15 MINUTE KE LEYE POLICE HETA LO HUM BETA DENGE KON RAAJ KAREGA ES DESH MAE "

23. That That under the influence of above hate speeches and due to pre planned conspiracy, on 23.02.2020 in Seelam Pur , Jafrabaad the protesters blocked the road and the general public who were being effected by the blockade of road by the protesters, too came on road and tried to un-block the road but the people of these area didn't like their idea and both sides started

pelting stones on each other. The situation went out of control in the evening when Pro-CAA and Anti-CAA supporters came face to face and started pelting stones at each other and the situation worsened and escalated into arson and rioting. All this was happening before the very eyes of the Delhi Police and other para-military forces and in the beginning none of them came forward to de-escalate the situation and result was burning of innumerable vehicles, petrol pump and shops etc. of the innocent citizens. The result was killing of 34 civilians including one police person and one IB officer. Hundreds of citizens injured and admitted in different hospitals.

24. The Police, however, swung into action after some time and started dispersing the protesters of both the factions and brought the situation under control. Though it can be said that situation is somewhat under control, but it can explode again if strict law and order is not enforced in the area. The relevant picture in support of submission made in the para dated 24-25.02.2020 are annexed as

Annexure No. P-2

25. That in the light of above submissions it is clear that what is going on Shaheen Bagh, Seelampur, Jafraabad, Jheel Khureji, Inder Lok and other places of Delhi is not a normal protest and it is well plan conspiracy against the

state , anti national powers are involved behind the protest , funding from illegal sources is coming to run these protest.

26. That in view of the submissions made above it is prayed that the roads where these protests are going on, should be immediately unblocked and freed from these protesters and made accessible to the general public.

27. National Investigation agency be directed to thoroughly investigate the matter under the The Unlawful Activities (Prevention) Act, 1967 (37 of 1967);

28. Aggrieved by the illegal, unlawful and anti-national acts of the protesters, the Petitioner is filing present Petition on amongst others, the following:

GROUND

- I. Because fundamental rights of millions of people are being infringed daily for no fault of theirs due to blockage of roads every day.
- II. Because these protests are running at the cost of convenience of Citizens and are in flagrant violation of their fundamental rights under Constitution and these violations are either in the form of blockage of roads or public services or creating terror in the mind of general citizens and no one knows when situation turns critical and dangerous for them.

- III. Because this is not a normal situation; it is a situation similar to civil war and people of both sides i.e. Pro and Anti CAA are face to face and anything untoward can happen at any moment, if something is not done to de-escalate tension between them.
- IV. Because innocent people have been facing this anarchy since months.
- V. Because More than 1 lac vehicles are passing through these roads and due to that more than 20 lac people are directly affected by this protests every day.
- VI. Because the Apex Court made its observation candidly during the hearing of a similar case on 10.02.2020 is that *"You cannot block the public roads. There cannot be indefinite period of protest in such an area. if you want to protest, it has to be in an area identified for protest,"* and on 26.02.2020 *"demonstrators are illegally protesting against the citizenship law by blocking the common and public road connecting Delhi to Noida"* Copy of the said news article publish by the media group dated 10.02.2020 is annexed as **Annexure P-3.** and date 26.02.2020 is annexed as **Annexure P-4.**

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- VII. BECAUSE in the matter of Communist Party of India vs Bharat Kumar and other Hon'ble Apex Court held that "Constitution of India , article 19 – "Bandh" there is no right to call or enforce "Bandh" which interfere with the exercise of fundamental freedom of other citizens, in addition to causing national loss."
- VIII. Because the Hon'ble High Court of Orrisa held in the case of Chambara Soy v. State of Orrisa and others that "Constitution of India article 19 (1) (d) and 21 right to move freely and right of protection of life and personal liberty –road blockage –death due to delay in reaching hospital –compensation –state-liability of –due to agitation traffic on national highway was blocked-petitioner was taking his ailing son to hospital, mob did not allow him to go further, he was delayed for 2 hours and his son died, petitioner and other citizens have the right under article 19 (1)n D to move freely with in the territory of India".
- IX. Because the Apex court held in : AIR 1987 SC 998, Rel. on. Constitution of India, Art. 19, – Right to move freely – "Also includes right to use highway for processions – But cannot extend to point where gathered crowd can prevent others from passing or obstructing free passage of traffic and commuters". (para-14).

- X. Because the Apex court held in : AIR 1987 SC 998, Rel. on. (Constitution of India, Art. 19, 21- Road blockages- "Vehicular and pedestrian traffic disrupted on highway – Causing loss of life and property – Amounts to breach of public order – State directed to take necessary steps against persons responsible and to recover cost of damage from protestors". (Paras 16 to 18).
29. That this Hon'ble Court has jurisdiction to entertain and decide the present petition.
30. That the annexures filed with the present petition are true copies and true typed copies of their respective originals.
31. That the Petitioner has not filed any other similar petition before this Hon'ble Court or any other Court including Supreme Court Of India anywhere in India for the same or similar relief.

PRAYER

Under the circumstances, it is, most humbly prayed that this Hon'ble Court may graciously be pleased to:

- A. Issue appropriate orders or directions to the respondents to identify places / roads e.g. Sunder Nagri Khureji Hauj Rani , Azad Market, Jafrabaad, Kasab Pura Inderlok, Kerdam Puri , Jheel Khureje, Seelam Pur, Jafarabaad, *and* other places in Delhi which have been illegally encroached/blocked by so called agitators/protesters protesting against CAA {Citizenship (Amendment) Act, 2020} since last more than 70 days like and direct the concerned authorities to immediately evacuate the so-called protestors from the above sites and clear the road blockage with immediate effect by using appropriate force, if necessary – and for enforcement of fundamental rights of the citizens guaranteed under Constitution of India specially under articles 19 and 21;
- b. Issue necessary orders and/or directions to the government of NCT of Delhi and Union of India through Ministry of Home Affairs through National Investigation Agency(Under The Unlawful Activities (Prevention) Act, 1967 (37 of 1967); to investigate the matter to find out anti national forces behind these protests on the lines of Palestine Model wherein kids

and woman were used as shield for carrying out anti national activities and to investigate role of anti national organization named called and known as People's Front of India (PFI) who is funding, motivating and supporting backing these anti-national protest.

- c. Issue appropriate orders and directions to the respondents for identifying those Anti-India Forces who are funding and sponsoring these Anti-India protests and are openly threatening to kill Prime Minister and Home Minister of India which is evident from the videos gone viral in social media and direct the state authorities to normalize the situation for the sake of convenience of the general public.
- d. Issue appropriate orders or directions to the respondents to depute/ deployed appropriate force at North East Delhi to save life and property of the citizens as well as control the situation by making necessary arrest of miscreants who involved in killing of citizens and damaging property of citizens by setting it in fire on name of protest against CAA {Citizenship (Amendment) Act, 2020} for last 72 days

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- e. Issue appropriate orders or directions to the respondents to register the case against the Waris Pathan , Assuaddin Owashi, Salman Khurshid and other persons under appropriate provision of law who involve to provoke the citizens / protesters against the CAA {Citizenship (Amendment) Act, 2020}.
- f. issue any other direction which may deem fit and proper under the facts and circumstances of the petition in the interest of justice.

FILED BY

(AJAY GAUTAM)

PETITIONER/APPLICANT IN PERSON

DELHI

DATED: 26.02.2020

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORIGINAL (C.) WRIT JURISDICTION)**

WRIT PETITION (C.) NO. OF 2020

[Petition under Article 226 of the Constitution of India]

**IN THE MATTER OF : A Public Interest
litigation**

Ajay Gautam	Petitioner
	Versus	
GNCT of Delhi & Ors.		Respondents

AFFIDAVIT

I, Ajay Gautam aged 48 years, S/o Late Sh. Kishan Chand
Gautam , do hereby solemnly affirm and declare as under:

1. That I am the petitioner above named.
2. That I have filed the present petition as a Public Interest Litigation.
3. That I have gone through the Delhi High Court (Public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
4. That I have no personal interest in the litigation and neither myself nor anybody in whom I am petitioner, is interest would in any manner benefit from the relief sought in the present litigation save as a member of the General Public.
This petition is not guided by self gain or gain of any

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person, institution, body and there is no motive other than of public interest in filing this petition.

5. That I have done whatsoever inquiry/ investigation which was in my power to do, to collect all data/ material which was available and which was relevant for this Court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/ material/ information which may have enabled this Court to form an opinion whether to entertain this petition or not and/ or whether to grant any relief, or not.

6. That the contents of the accompanying writ petition including, list of dates Pages 4 to 6 and Grounds (I) to (X) and contents of paras 1 to 30 of the writ petition are true and correct to my knowledge and those of para 31 of the writ petition are true upon legal information received and believed to be true and last para is prayer to this Hon'ble Court.

DEPONENT

VERIFICATION

Verified at Delhi on this day of 26th day February 2020 that the contents of above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

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