

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

IA No. of 2020

In

**WRIT PETITION (PUBLIC INTEREST LITIGATION)
NO. 268 of 2020**

IN THE MATTER OF:

Dr Nand Kishore Garg

Applicant/Petitioner

Versus

Union of India

Respondents

INDEX

Sl. No.	Particulars	Pages
1.	Application on behalf of applicant/petitioner for immediate evacuation of the group of protesters from Shaheen Bagh including any other places of protests on account of pandemic spread of Covid1-19 (Corona Virus)	
2.	Affidavit of the application/petitioner in support thereof.	

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IN THE MATTER OF:

1. Dr Nand Kishore Garg
S/o Late Sh. K.C. Garg,
R/o 7/41, Punjabi Bagh,
New Delhi-110034. **... Petitioner**

VERSUS

1. Union of India
Through the Cabinet Secretary
Cabinet Secretariat Rashtrapati Bhawan,
New Delhi-110004 **... Respondent No.1**

2. The Govt of NCT of Delhi,
Through the Chief Secretary
Delhi Sachivalaya,
Near IG Indoor Stadium, ITO,
New Delhi-110002 **... Respondent No.2**

3. The Commissioner of Delhi Police
2nd Floor, MSO Building,
Police Headquarter, ITO,
New Delhi – 110002. **... Respondent No.3**

(ALL RESPONDENTS ARE CONTESTING
RESPONDENT)

**APPLICATION FOR URGENT DIRECTION TO THE
RESPONDENTS FOR IMMEDIATE
REMOVAL/SUSPENSION OF THE CROWD OF
PROTESTERS FROM SHAHEEN BAGH INCLUDING
ANY OTHER PROTESTS AT ANY OTHER PLACES IN
THE COUNTRY ON ACCOUNT OF EMERGENT
PANDEMIC SITUATION, LEADING TO POTENTIAL
CATASTROPHIC REPERCUSSIONS, POSING GRAVE
THREAT TO THE SOCIETY AT LARGE.**

MOST RESPECTFULLY SHEWETH:

1. That the petitioner is constrained to approach this Hon'ble Court with instant application for an urgent direction to the respondents for immediate removal of the crowd of protesters from Shaheen Bagh including other protest places of our country in the face of growing threat of spread of Covid-19 (corna virus). In this respect it is submitted that the entire population of Delhi is under emergency situation and are badly vulnerable to the infection of incurable infectious corona virus disease which has already claimed two lives and more than 100 infected people identified across the country.

2. That it is submitted that 'corona virus' pandemic is highly communicable and being transmitted from human to human engulfing under its sweep all the crowded public places as a potential transmitter of this deadly virus. The government including this Hon'ble Court has already taken the preventive measures with aim of better preventing the spread of dangerous pandemic like corona virus by taking important steps like issuance of various advisories and notices/circulars relating to listing only urgent matters and solely for the purpose of avoiding the public crowd to slim down the chances of contraction of deadly virus. As such, the situation of Shaheen Bagh protest or any other crowded places is potential transmitter of the deadly virus which can be capable of the said deadly virus throughout the city and eventually across the country. Hence, it is urgently needed the respondents may be directed to take appropriate measure to ensure the immediate removal/evacuation/suspension of group of

protesters from the place of protest as continuance of such protests and consequently the gatherings over the protest site would be enormously dangerous and contribute to the rapid spread of the deadly outbreak of Covid-19 across the country.

3. That it is submitted that the public health is under serious threat by the existence of public crowd of protesters. The continuance of the said protest is also threat to the rule of law where all the emergency precaution had been put into force for preventing outbreak of deadly disease but the place of the protesters were kept untouched by the law enforcement agency for the fear of possible reaction from the protesters. It is further submitted that these protesters has no right to endanger the lives of thousands of innocent people in the name of exercising their fundamental rights to protest. It is troubling and disheartening to note that this protest has been allowed to continue even if entire population of

the country has been put under self-imposed quarantine in order to prevent themselves from the consequences of this pandemic.

4. That it is submitted that the government has already announced for implementation health of emergency with directions that the affected persons are to be quarantined and segregated in isolation ward. In this respect it is submitted that government has already enforced the Epidemic Diseases Act 1897 and Disaster Management Act 2005 in order to prevent the deadly infection from corona virus.
5. That it is submitted that the exemptions being extended to the protesters at Shaheen Bagh at the cost of lives of thousands of innocent citizen is causing great concern amongst the citizen of country. All sorts of restrictions ranging from travelling, to schools, to courts, to restaurants, to cinema hall, to public mall etc to many other places of public dealings. However, the potential place which is still crowded and has been kept

beyond the ambit of enforcement of law. It is a dangerous situation which should be dealt with iron hand and direction may be issued to the respondents to immediately vacate the place of protest in the interest of public health.

PRAYER

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

- (a) Allow the present application and issue a direction to the respondents for immediate removal/suspension/evacuation of the group of protesters from Shaheen Bagh including other groups of protesters in various parts of the country on account of sudden and emergent pandemic situation, leading to the potential catastrophic repercussions, posing grave threat to the society at large.

and/or

(b) Pass such further order(s) as may be deemed fit and proper under the facts and in the circumstances of the case.

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

DRAWN BY:

FILED BY:

(Shashank Deo Sudhi)

(.....)

Associates & Solicitors

Advocate

(Strategic Legal Counsel)

105-B, First Floor,

Pocket-2, Sector-6, Dwarka

New Delhi-110075

Drawn on .03.2020

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Union of India and Ors Respondents

AFFIDAVIT

I, Nand Kishore Garg, aged about 71 years, S/o Late Sh. K.C. Garg, R/o 7/41, Punjabi Bagh, New Delhi-110026, do hereby solemnly affirm and declare as under:-

1. That I am the applicant/petitioner and as such I am well conversant with the facts and circumstances of the present matter and am competent to swear this affidavit.
2. That accompanying application in Writ Petition under Article 32 of Constitution of India has been drafted by me and the facts stated therein are true and correct to the best of my knowledge and belief. The contents of Para 01 to Para ... including prayer of the accompanied application are true and correct to the best of my knowledge belief. The contents of the same are not being reproduced herein for the sake of brevity and may be read as part and parcel of this affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this day of March 2020 that
the contents of the above affidavit are true and correct
to my knowledge and belief and nothing material has
been concealed there from.

DEPONENT

