

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

CONTEMPT PETITION (CIVIL) Diary No(s). 63801/2026

[Arising out of impugned judgment and order dated 09-10-2026 in Diary No. 63560/2026 passed by the Supreme Court of India]

SHAILENDRA MANI TRIPATHI

Petitioner(s)

VERSUS

GOVIND MOHAN,

Respondent(s)

(IA No. 317555/2026 - APPLICATION FOR PERMISSION and IA No. 317566/2026 - EXEMPTION FROM FILING AFFIDAVIT)

WITH

ITEM NO. 2

WRIT PETITION(CRIMINAL) Diary No(s). 63858/2026

Date : 11-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) : Dr. Menaka Guruswamy, Sr. Adv.
Mr. Chand Qureshi- 3063, AOR
Mr. Shailendra Mani Tripathi In Person, Adv.
Mr. Rakesh Kumar, Adv.
Mr. Pradeep Kumar Yadav, Adv.
Ms. Pooja Shilpkar, Adv.
Mr. Priyendu Raghav Mishra, Adv.
Mr. Vishal Kumar, Adv.
Mr. Tayyab Khan Salmani, Adv.
Mr. Harish Lodhi, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Mohit Yadav, Adv.
Mr. Imran Siddiqui, Adv.
Mr. Shahid Ali Siddiqui, Adv.
Mr. Gaurav Yadava, Adv.
Ms. Davinder Pal Kaur, Adv.
Mr. Mohd Shahzad Ansari, Adv.
Mr. Shahzad Naqvi, Adv.
Mr. Aarif Ali, Adv.
Ms. Anjali Kumari, Adv.
Mr. Deepak Yadav, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Mr. Devvrat, Adv.

Ms. Yugandhara Pawar Jha, Adv.
Ms. Khushbu Sahu, Adv.
Ms. Nivedita Nair, Adv.
Ms. Meenakshi Kalra, Adv.
Mr. Anas Tanwir, AOR

Mr. Gaurav Kumar, Adv.
Mr. S. Misra, Adv.
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Mr. Vishal Tiwari, Adv.
Mr. Anuj Saxena, AOR

Mr. Kapil Sibal, Sr. Adv.
Mr. N. Hariharan, Sr. Adv.
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Mr. Subhash Chandran, AOR
Mr. Anirudh K.P., Adv.
Ms. Ashima Mandla, Adv.
Ms. Aparajita Jamal, Adv.
Mr. Siddharth K., Adv.
Mr. Sumedh Sarkar, Adv.
Mr. Nikhil Pahwa, Adv.
Mr. Arjan Singh Mandla, Adv.
Ms. Mandakini Singh, Adv.
Mr. Fidal Tom, Adv.

Mr. Dhruva Kumar, Adv.
Ms. Sunita Majumdar, Adv.
Mr. Ranjit Kumar Biswas, Adv.
Mr. Shah Mohd., Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Pooja Dhar, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Vishal Sinha, Adv.
Mr. Shourya Dasgupta, Adv.
Mr. Siddharth Venugopal, Adv.
Mr. Tushar Srivastava, Adv.
Ms. Bijaharini Gopal Krishnan, Adv.
Mr. Rishav Ranjan, Adv.
Ms. Samriddhi Agarwal, Adv.
Mr. Divyansh Thakur, Adv.
Ms. Gantavaya Vasisth, Adv.
Ms. Nivedita Rani, Adv.
Mr. Arpit Malviya, Adv.
Ms. Pratistha Aggarwal, Adv.
Mr. Apar Gupta, Adv.
Mr. Aditya Mishra, Adv.
Mr. Aditya Dubey, Adv.
Mr. Dhandapani M., Adv.

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Mr. Shoeb Alam, Sr. Adv.
Ms. Fauzia Shakil, AOR
Ms. Rashmi Singh, Adv.
Ms. Aparjita Jamwal, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Khalid Ali, Adv.
Mr. Nazmeen Ahmed, Adv.

Mr. Surit Chaubey, Adv.
Ms. Ishtha Singh, Adv.

Mr. Avi Singh, Sr. Adv.

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Ms. Aakansha Tiwari, Adv.

Ms. Tanushree Bhalla, Adv.
Mr. Ashish Pandey, AOR
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Mr. Mohsin Alam, Adv.

Mr. Shadan Farasat, Sr. Adv.

Dr. Monika Gusain, Sr. Adv.

For Respondent(s) : Mr. Tushar Mehta, Solicitor General
Mr. Tarun Johri, AOR

Mr. Tushar Mehta, Solicitor General
Mr. S.V. Raju, ASG

Mr. Annam Venkatesh, Adv.
Mr. Bhuvan Kapoor, Adv.
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Ms. Astha Singh, Adv.
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For applicant(s)
in IA/impleader:

Mr. Vipin, Adv.
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Mr. Pavan Narang, Sr. Adv.
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Ms. Ruchita Srivastava, Adv.
Mr. Sparsh Jain, Adv.

Mr. Kirti Uppal, Sr. Adv.
Mr. Neeraj, Applicant/intervenor in person
Mr. Satya Ranjan Swain, Adv.
Mr. Shoumendu Mukherji, AOR
Mr. Rajesh Singh Chauhan, Adv.

Mr. Kautilya Birat, Adv.
Mr. Tushar Hazrati, Adv.
Mr. B.L. Shivhare, Adv.
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Mr. Himanshu Pathak, Adv.
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Mr. Rahul G. Tanwar, Adv.
Mr. Nishant Kumar, AOR

Ms. Rachna Shrivastava, Sr. Adv.
Mr. Akash Vajpai, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Application for permission to file contempt petition is allowed.
2. In view of the urgent applications alleging violation of our earlier order dated 09.10.2026 and also alleging illegal detention of large number of individuals at Delhi on 10.10.2026, this Court has assembled for an urgent hearing.
3. During hearing, Mr. K.K. Venugopal, Mr. Kapil Sibal, Mr. N. Hariharan, Mr. Gopal Sankaranarayanan, Dr. Menaka Guruswamy, Mr. Shadan Farasat, Dr. Monika Gusain, Mr. Shoeb Alam, Mr. Sanjay Hegde, learned senior counsel and Mr. Devvrat, learned AOR along with other learned senior counsel/counsel submitted that there were flagrant violations of directions given in our order dated 09.10.2026; metro railway was not functioning; New Delhi railway station and Nizamuddin railway station remained closed; no traffic advisories were issued and large number of persons were subjected to undue harassment and illegal detention even beyond the area which was covered by the prohibitory order passed under Section 163

of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"). It was also contended that there was a complete shutdown of the internet and that the city bore a curfew like look with suspension of transport and free movement of people and goods.

4. In addition to such submissions, oral mentionings were made in respect of Diary No. 63952/2026, Diary No. 63943/2026 and Diary No. 63944/2026 wherein similar prayers had been made.

5. Dr. Menaka Guruswamy in support of the listed matters being Diary No.63801/2026 (in Diary No.63560/2026) and Diary No.63858/2026 took us through the pleadings, wherein it has been averred that the metro railway stations namely GTB Nagar Metro Station and Viswavidyalaya Metro Station among other metro stations were completely shut out to public and there has been a deliberate and wilful violation of our order as aforesaid.

6. Addressing us on the Habeas Corpus petition (Diary No.63858/2026), Dr. Guruswamy forcibly contended that the prayer re: illegal detention is not merely restricted to the personalities referred to therein but is a plea against widespread illegal detention of about 7,000 individuals in the city.

7. In rebuttal, Mr. Tushar Mehta, learned Solicitor General of India & Mr. S.V. Raju, learned Additional Solicitor General of India contend that the petitions which were orally mentioned have not been served on the Union and accordingly they are unable to assist the Court on the issues pleaded therein.

8. With regard to the allegations made in the Diary No. 63801/2026, Mr. Tushar Mehta orally denies and disputes the allegations of violation of order dated 09.10.2026 and contends that the Delhi Metro was functioning normally, however, 45 out of 303 stations had been closed to maintain law and order. In response to the Habeas Corpus petition, he denied any one had been illegally detained and otherwise the petition is infructuous as the detenues referred to have since been released.

9. With regard to the submission that the essential services still remain suspended, he assured this Court that all metro stations are open since 10 p.m. yesterday, trains are functioning normally and internet connection has been restored. With regard to a serious insinuation that Section 163 of the BNSS had been clamped in and around the Supreme Court premises, Mr. Mehta sought time to seek instructions.

10. Other counsel have made prayers for intervention in these proceedings and contend that the fundamental freedoms must be exercised in a reasonable manner and must be subjected to reasonable restrictions.

11. Having heard the learned senior counsel as well as the learned Solicitor General of India and learned Additional Solicitor General of India, we note that our order dated 09.10.2026, *inter alia*, held as follows:

"7. It appears that the notifications are overreaching, as they impose a complete ban upon essential public transportation. Upon our indication

that a distinction exists between total 'prohibition' and the 'regulation' of Metro and other train movements, learned Solicitor General of India has fairly agreed to impress upon the authorities to reassess such prohibitions. Consequently, they will permit the operation of Metro trains and other rail services in such a regulated manner, that no inconvenience is caused to the residents and general public of Delhi, while adhering to the principles of proportionality.

8. Regarding that assurance, we clarify that although there shall be no outright prohibition on the movement of Metro trains, a prudent decision may be made to permit the operation of Metro trains and other rail services in a suitable and regulated manner. Such a decision should be widely publicised to prevent further inconvenience.

9. In this vein, a traffic advisory shall also be published in respect of smooth movement of vehicles in newspapers and on online platforms to ensure that no hardship or inconvenience is caused to the public in the course of traveling within the city. The order will be issued today to ensure that the decision receives publicity and that there is ample clarity on the prevailing circumstances.

10. During the course of hearing, it was suggested, and learned senior counsel and counsel for the parties were *ad idem*, that it is high time basic amenities were provided to those engaged in peaceful and lawful protest. To that end, suitable alternative sites capable of housing such infrastructure need to be identified and designated. Let the Competent Authority consider this suggestion and take an appropriate decision thereon.

11. Let a compliance report be filed by the Delhi Metro Rail Corporation, the requisite Railway authorities and Delhi Police (Traffic) in this regard within four days.

12. Ordered accordingly."

12. In summary, by the said order, firstly, the authorities concerned had been directed to revisit the earlier notification issued by Delhi Metro regarding closure of 57 metro stations keeping in mind the fact that the operation of metro train and other rail services may be regulated in appropriate situations but not prohibited outrightly. Secondly, the order had also directed the authorities to give wide publicity to the reconsidered decision to avoid further inconvenience to the public. Thirdly, the order had directed fresh traffic advisories in newspapers and online platforms in respect of free vehicle movement. The order has also called upon the authorities to submit a compliance report within four days i.e., 13.10.2026.

13. Having considered the submissions of the learned counsel for the parties and perused the averments in the Contempt Petition, we are of the opinion that the petitioners have made out a *prima facie* case. Accordingly, we issue notice upon the alleged contemnors. They are directed to file counter affidavit to the said petition including a compliance report in terms of our order as aforesaid by 13.10.2026. Their personal presence is dispensed with in the meanwhile. Similarly, notice is issued in Habeas Corpus Petition (Diary No.63858/2026).

14. The other unlisted mentioned petitions shall be served upon the office of the Solicitor General during the course of the day and shall be tagged with the present matters. Intervention/impleadment application(s) shall also be tagged with these matters.

15. Learned counsel have strongly urged for ad-interim reliefs with regard to smooth operation of metro rail, traffic, internet services and free movement of people, especially lawyers, journalists and other professionals. Mr. Mehta has, on instructions, submitted that internet facilities have since been restored and all metro railway stations are fully functional. He also assures the Court that lawyers, journalists and other professionals shall not be impeded in discharge of their professional duties.

16. Taking note of such submissions, we direct as follows:

(a) Metro trains and railway facilities shall function normally until and unless they need to be regulated keeping in mind reasonable restrictions envisaged under Article 19(2).

(b) Similarly, free movement of people in the city shall be ensured subject to law and order situation and/or traffic regulations. Imposition of barricades on roads shall be reviewed forthwith to ensure free movement subject to law and order and traffic requirements.

(c) Internet facilities should function unhindered.

(d) There shall be no illegal detention, particularly in cases of peaceful unarmed assemblage of people beyond the area where Section 163 BNSS is in operation.

(e) We have been informed that a notice board stating Section 163 BNSS has been invoked in and around the precincts of the Supreme Court has been put up in the Court premises. We direct the authorities concerned to forthwith take down the said board, if not

already done, so that there is no apprehension with regard to ingress and egress to the Supreme Court or any other court of law.

(f) Lawyers, journalists and other professionals shall not be hindered in discharge of their professional duties in any manner whatsoever.

17. List on 13.10.2026 for further consideration along with Diary No. 63952/2026, Diary No. 63943/2026, Diary No. 63944/2026 and application(s) for intervention/impleadment.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR