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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 14.01.2020

\+ W.P.(C) 429/2020

AMIT SAHNI ..... Petitioner

Through: Petitioner in person

versus

COMMISSIONER OF POLICE AND ORS. ..... Respondents

Through: Mr. Amit Mahajan, CGSC with Mr.Rajat Nair, Adv. for R-1 to R-3 along with Mr. Rajesh Deo, DCP/Legal Cell PHQ; Mr.Kumar Gyaneshi, DCP/South-East Distt; ACP, New Friends Colony; Mr. Vijay Pal SHO Shaheen Bagh; SI Ravinder Chander & Inspector Sukhbir Singh.
Mr. Satyakam, ASC for GNCTD/R-4
Ms. Maninder Acharya, ASG with Mr. Dev P. Bhardwaj, CGSC with Ms. Anubha Bhardwaj, Mr. Jatin Teotia & Mr. Abhishek Yadav, Advs. for R-5

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice** *(Oral)*

CM APPL.1161/2020 *(Exemption)*

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 429/2020

1. This Public Interest Litigation has been preferred with the following

Court Master
High Court of Delhi
New Delhi

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prayers:

> *"i. Issue a writ In the nature of Mandamus or any other writ of like nature thereby passing order or direction to the Respondents No. 1 to 3 thereby directing them to withdraw the closure of Kalindi Kunj-Shaheen Bagh Stretch i.e. Road No. 13 A (between Mathura Road and Kalindi Kunj) as well as Okhla underpass, which were closed on December 15, 2019 for ongoing protests against Citizen Amendment Act (CAA) and National Register of Citizen (NRC) as a temporary measure but the road closure was extended from; time to time till date, whereby causing huge inconvenience/hardship to the lacs of commuters every day.*
>
> *ii. Issue a writ in the nature of Mandamus or any other writ of like nature thereby passing order or direction to the Respondents No. 4 and 5 to take appropriate measures and to provide necessary assistance to Respondent No. 1 to 3, as may be required for redressing the grievance raised in the present petition.*
>
> *iii. Pass any other appropriate Order or Direction as this Hon'bie Court may deem fit."*

2. Having heard the petitioner in person as well as counsel for respondents and looking to the facts and circumstances of the case, it appears that several grievances have been ventilated by this petitioner about the restrictions on the usage of road as mentioned in the writ petition for reason of certain ongoing protests. Looking to the Annexure P-3, it appears that a representation ventilating the grievances by this petitioner has also been preferred to the respondent No.1 and the same is pending.

3. In view of these facts, we hereby direct the concerned respondent authorities to look into the grievances ventilated by the petitioner in this writ petition, especially at Annexure P-3, about the restrictions on the usage of

Court Master
High Court of Delhi
New Delhi

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the road which is known as Kalindi Kunj-Shaheen Bagh Stretch i.e. Road No. 13 A (between Mathura Road and Kalindi Kunj) as well as Okhla underpass and will react, in accordance with law, rules, regulations and Government policies applicable to the facts of the present case. The concerned respondent authorities shall also keep in mind the larger public interest as well as the maintenance of the law and order.

4. It ought to be kept in mind that whenever any agitation or protest is going on, situation is like fluid - keep on changing looking to the temperament of the protesters and resistances by other people. Simultaneously, police has to maintain the law and order. Hence, the respondents have all power, jurisdiction and authority to control the traffic, wherever protests or agitations are going on, in the larger public interest. In such a situation, no specific writ, order or direction can be issued by this Court as to how to handle the agitation or protest or the place of protest and the traffic. It all depends upon the ground reality and the wisdom of the police, where situations may keep changing every 10 minutes.

5. With the aforesaid observation, this writ petition is hereby disposed of.

Copy of the order be given *dasti* under the signature of the Court Master.

Sd/-

CHIEF JUSTICE

Sd/-

C.HARI SHANKAR, J

JANUARY 14, 2020/ns

W.P.(C) 429/2020

Attested True Copy
14-1-2020
Court Master
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New Delhi

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