

SECTION PIL (WRIT)

MATTER FOR : 13.01.2023

COURT NO. : 03

ITEM NO. : 45.11

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 940 OF 2022

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO 176937

OF 2022 AND I. A D. NO 176938 OF 2022

(Application for Impleadment and Direction)

AND

INTERLOCUTORY APPLICATION NOS. 6913

AND 6915 OF 2023

(Application for Impleadment and Direction)

Shaheen Abdulla

...Petitioner

Versus

Union of India & Ors

....Respondents

REVISED OFFICE REPORT

The Writ Petition above-mentioned was listed before the Hon'ble Court on 21.10.2022 when the Hon'ble Court was pleased to inter-alia, pass the following Order:

“XXX XXX XXX

The matter needs examination, and some form of interim directions.

Issue notice.

Respondent No.2-Commissioner of Police, New Delhi, Respondent No.3-Director General of Police Uttarakhand and Respondent No.4- Director General of Police, Uttar Pradesh will file a report as to what action has been taken in regard to such acts as are the subject matter of this writ petition within their jurisdiction.

Respondent Nos. 2 to 4 shall ensure that immediately as and when any speech or any action takes place which attracts offences such as Sections 153A, 153B and 295A and 505 of the IPC etc., suo moto action will be taken to register cases even if no complaint is forthcoming and proceed against the offenders in accordance with law. Respondent Nos.2 to 4 will therefore issue direction(s) to their subordinates so that appropriate action in law will be taken at the earliest.

We make it clear that any hesitation to act in accordance with this direction will be viewed as contempt of this Court and appropriate action will be taken against the erring officers.

We further make it clear that such action will be taken irrespective of the religion that the maker of the speech or the person who commit such act belongs to, so that the secular character of Bharat as is envisaged by the Preamble, is preserved and protected.”

Pursuant to above order a certified copy was issued to all the Respondents through speed post/special messenger on 22.10.2022.

It is next submitted that show cause notice was issued to all the four respondents through speed post on 03.11.2022. Respondent Nos. 2, 3 & 4 are represented through Mr. G. S. Makker, Advocate, Dr. Abhishek Atrey, Advocate and Ms. Ruchira Goel, Advocate respectively. As per tracking report notice stand delivered upon Respondent No. 1.

Service of show cause notice is complete, but no one has entered Appearance on behalf of the Respondent No. 1 so far.

It is next submitted that Mr. G. S. Makker, Advocate has on 12.12.2022 filed an Affidavit on behalf of Respondent No. 2/Commissioner of Delhi Police and same is being circulated for the kind perusal of the Hon'ble Court.

It is next submitted that Dr. Abhishek Atrey, Advocate has on 12.01.2023 filed an Affidavit on behalf of Respondent No. 3/Director General of Police, Uttarakhand and same is being circulated for the kind perusal of the Hon'ble Court.

It is further submitted that Ms. Ruchira Goel, Advocate has on 12.01.2023 filed an Affidavit on behalf of Respondent No. 4/Director General of Police, State of U. P and same is being circulated for the kind perusal of the Hon'ble Court.

It is further submitted that Ms. Sumita Hazarika, Advocate for the petitioner has on 18.11.2022 filed an Application for Impleadment to Implead “DGP Haryana.” as Respondent No. 5 alongwith application for Direction. The said Application for direction is defective for the reason that clause (b) of prayer is not proper. In response to the defect pointed out vide e-mail dated 22.11.2022 she has on 12.01.2023 filed a letter of even date stating therein that the Applications may be circulated at her own risk. Copy of letter is enclosed with this office report. The Application for Impleadment is registered as I. A. No. 176937 & Application for direction is placed ad I. A. D No. 176938 of 2022. The said Applications are being circulated for the kind perusal of the Hon'ble Court.

It is further submitted that Ms. Sumita Hazarika, Advocate for the petitioner has on 10.01.2023 filed an Application for Impleadment to Implead “DGP Maharashtra, Chhattisgarh, Rajasthan as Respondent No. 6 to 8 alongwith application for direction. The said Applications are registered as I. A. Nos. 6913 & 6915 of 2023 respectively and same are being circulated for the kind perusal of the Hon’ble Court.

The Writ Petition alongwith Applications above mentioned is listed before the Hon'ble Court with this Revised office Report.

Dated this the 12th day of January, 2023.

Sd/-
Assistant Registrar