

ITEM NO.4

COURT NO.7

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

[HEARD BY : HON. J.B. PARDIWALA AND HON. K.V. VISWANATHAN,
JJ.].... [MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS
CURIAE]..... [ONLY IA NO. 43387/25, IA NO. 119142/25, IA NO.
288063/2025 and IA NO. 288062/2025 ARE LISTED UNDER THIS ITEM]
IA No. 288062/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 43387/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 288063/2025 - INTERVENTION APPLICATION
IA No. 119142/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 22-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Krishna Kumar, AOR
Mr. Vinodh Kanna B, Adv.

Mr. Sunil Ahya, Adv.
Mr. Anil Kumar, AOR

For Respondent(s) :

Mr. Vikramjit Bannerjee, A.S.G.
Mr. Raj Bahadur Yadav, AOR
Mr. Sharath Nambiar, Adv.
Mr. Sabrish Subramanium, Adv.
Mr. Debojit Borkakati, Adv.
Ms. Tusharika Sharma, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Sharath Nambiar, Adv.
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Ms. Ayushi Upadhaya, Adv.

Mr. Anurag Yadav, Adv.

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Mr. Shreyas Balaji, Adv.

Mr. Chand Kapoor, Adv.

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Ms. Swati Tiwari, Adv.

Mr. Gopal, Adv.

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Mr. Amit Kumar Singh, Adv.

Ms. Chubalemla Chang, Adv.

Mr. Prang Newmai, Adv.

Ms. Yanmi Phazang,, Adv.

Mr. Anando Mukherjee, AOR

Mr. Aravindh S., AOR

Mr. Akshay Gupta, Adv.

Ms. Anika Bansal, Adv.

Mr. Gaurav Agrawal, Sr. Adv., Amicus Curiae

Mr. Ravi Raghunath, AOR

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Ms. Kaarunya Lakshmi, Adv.

Ms. Sejal Jain, Adv.

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Mr. Mukesh Kumar Maroria, AOR

Ms. Sunita Sharma, Adv.

Mr. Ishaan Sharma, Adv.

Mr. Annirudh Sharma Ii, Adv.

Mr. Jagdish Chandra Solanki, Adv.

Mr. Amit Anand Tiwari, Sr. A.A.G.

Mr. Sabarish Subramanian, AOR

Mr. Vishnu Unnikrishnan, Adv.

Ms. Jahnavi Taneja, Adv.

Mr. Sumit Gupta, Adv.

Ms. Jaikriti S. Jadeja, AOR

Mr. Akshay Kumar Tiwari, Adv.

Ms. Tanya Shrotriya, Adv.
Mr. Hardik Choudhary, Adv.

Ms. Rashmi Nandakumar, AOR

Mr. Kunal Mimani, AOR
Mr. Parag Chaturvedi, Adv.

Mr. D. K. Devesh, AOR

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Ms. Deepanwita Priyanka, AOR
Mr. Satyalipsu Ray, Adv.
Mr. Prashant Bhagwati, Adv.
Ms. Priyal Sheth, Adv.

Mr. Raghvendra Kumar, AOR

Mr. Divyanshu Kumar Srivastava, AOR
Mr. Shivam Nagpal, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Ms. Ruchira Gupta, Adv.
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Ms. Pooja Tripathi, Adv.
Mr. Mohtisham Ali, Adv.
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Mr. Satyajeet Kumar, AOR
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Mr. Rajat Bhardwaj, A.A.G.
Ms. Baani Khanna, AOR
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Ms. Komal Thakkar, Adv.

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Ms. Swati Ghildiyal, AOR
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Ms. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Harish Pandey, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Varun Chugh, Adv.
Mr. Bhuvan Kapur, Adv.
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Mr. Rahul Kumar, Adv.

Mr. Aakash Thakur, Adv.

Mr. Neeraj Shekhar, AOR

Mr. Rajesh Maurya, Adv.

Mr. Ujjwal Ashutosh, Adv.

Mr. Saroj Kumar Singh, Adv.

Mr. Rajat Singh Chandel, Adv.

Ms. Ruchira Goel, AOR

Ms. Ritika Rao, Adv.

Mr. Sharanya, Adv.

Ms. Ayushi Srivastava, Adv.

Mr. Vivek Kishore, AOR

Ms. Tulika Mukherjee, AOR

Mr. Avijit Mani Tripathi, AOR

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Mr. Hitesh Kumar Sharma, Adv.

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Mr. Desh Pal Singh, Adv.

Mr. Anupam Kumar, Adv.

Mr. Raghvendra P. Singh, Adv.

Mr. Santosh Kumar, AOR

Mr. Samar Vijay Singh, AOR

Mr. Aman Dev Sharma, Adv.

Ms. Sabarni Som, Adv.

Mr. Gaj Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. In pursuance of our last order dated 20.11.2025 the State of Uttar Pradesh has filed an affidavit dated 19.01.2026 duly affirmed by the Additional Chief Secretary, Government of Uttar Pradesh (Head of Transport Department) stating that in the meeting convened

on 09.01.2026, presided over by the Chief Secretary of the Government of Uttar Pradesh, there were deliberations with respect to amendments in the Motor Vehicles Act, 1988. The relevant part of the affidavit is extracted herein below:-

"5. That it is humbly submitted that pursuant to the aforesaid order, the issue was examined afresh, and a legal opinion on the same was called for. Thereafter, a meeting was held by the Chief Secretary, with the Secretaries and other officials from the Home Department, Law Department, and Transport Department on 09.01.2026. During the meeting, the legal opinion and this Hon'ble Court's orders were discussed, and it was decided that the State would further amend the U.P. Criminal Law (Composition of Offences and Abatement of Trials) Act, so as to ensure that the following offences would not stand abated, namely:-

(i) Non-compoundable offences;

(ii) Offences that have a punishment of mandatory imprisonment; and

(iii) Offences which are not first offences – i.e. they are subsequent offences.

6. The following proposed amendment was approved in the meeting dt. 09.01.2026 (proposed changes in bold):-

"Section 9: Notwithstanding anything contained in any other law for the time being in force:

(1) The trial of an accused for -

(a) an offence punishable under-

(i) the Motor Vehicles Act 1988... (proposed amendment would be that offences which are non-compoundable, or offences which are punishable with mandatory imprisonment or offences which are subsequent offences would not abate at all, only other offences that do not fall in the aforesaid 3 categories would abate);

..... pending before a Magistrate on the date of commencement of this Act from before December 31, 2021 shall not abate"

7. It was further decided that the Home Department would take immediate steps to initiate the process of

amendment of the Act."

2. According to Mr. Gaurav Agrawal, the learned Amicus, the amendment as proposed perhaps may not serve the purpose.

3. As an Amicus, he submitted that there is no other option but to declare the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023 ("UP Act No. 4 of 2023") as *ultra vires* being repugnant to the provisions of the Motor Vehicles Act, 1988 enacted by the Union Parliament under Entry No.35 of List III of the Constitution since the said UP Act No.4 of 2023 was neither reserved for the consideration of the President of India nor received his assent as per the provisions of Article 254(2) of the Constitution of India.

4. On the other hand, Ms. Ruchira Goel, the learned counsel appearing for the State of Uttar Pradesh would submit that the amendment as proposed would serve the purpose.

5. Having heard the learned Amicus and other learned counsel appearing in this litigation, we are of the view that the State of Uttar Pradesh should proceed further to undertake the necessary amendment in accordance with law. Let the amendment come into force.

6. We keep the issue as regards declaring the UP Act No. 4 of 2023 as *ultra vires* open to be argued further.

7. The State of Uttar Pradesh shall see to it that the amendment, as proposed by the State is carried out in accordance with law within a period of six weeks from today through the Transport Department.

8. In so far as interlocutory application no. 43387/2025 is concerned, the issue is pending before Hon'ble Mr. Justice A.M. Sapre (Retd.), former Judge of this Court (Justice Sapre Committee). The learned Amicus needs some more time in this regard. Let this interlocutory application no. 43387/2025 be notified on the next date of hearing.

9. In so far as Interlocutory Application No. 288062/2025 is concerned, it was brought to our notice that Brihanmumbai Municipal Corporation ("BMC"), respondent no. 9 is now before us. BMC is being represented by the learned counsel, Mr. Merusagar Samantaray.

10. The learned counsel appearing for BMC prays for some time to file his reply. Once the reply is filed, one copy of the same shall be furnished by Mr. Sunil Ahya, the learned counsel appearing for the applicant.

11. If any rejoinder is to be filed, the same shall be filed by the next date of hearing.

12. We impressed upon the Brihanmumbai Municipal Corporation (BMC) to consider taking up the audit of defined stretches of footpaths within the Corporation limits so as to ensure due compliance with the order of this Court dated 07.10.2025 and its own circular dated 26.05.2023.

13. It shall be open for the applicant to suggest the stretches to the BMC which require urgent remedial action. The BMC shall look into the same on priority basis.

14. We also suggest to the BMC that it may take an audit of at least 1 km stretch in each ward, especially the crowded areas.

15. If there are any other authorities involved in this, let this

entire exercise be undertaken conjointly.

16. As regards the aforesaid, the respondents shall file their reply by next date of hearing.

17. Mr. Vikramjit Bannerjee, the learned A.S.G appearing for the Union submitted that let the Union be permitted to file one composite affidavit on behalf of all the concerned departments of the Union. Let the said composite affidavit also come on record.

18. On the next date of hearing, the following interlocutory applications shall also be notified:-

I.A. Nos. 26710/2025, 58244/2023, 24181/2025, 33035/2021,
71387/2023, 202442/2023, 36566/2024, 43519/2024, 64319/2024,
77921/2024, 278218/2024, 66919/2025, 89362/2025, 116257/2025,
119831/2025, 198996/2025, 207551/2025, 211571/2025 & 233571/2025.

19. List on 09.04.2026.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)