

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 01.09.2017

(1) CWP No. 12256 of 2016 (O&M)

Vishal Aggarwal Petitioner.

Versus

Union of India and others Respondents.

(2) CWP No. 12458 of 2016 (O&M)

Vishal Aggarwal Petitioner.

Versus

State of Haryana and others Respondents.

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MS. JUSTICE LISA GILL

Present:- Mr. Jainainder Saini, Advocate, for the petitioner.

Mr. Jagdeep Dhankar, Senior Advocate, with
Mr. Lokesh Sinhal, Addl. Advocate General, Haryana and
Mr. Surender Singh Pannu, DAG, Haryana
for the respondent - State of Haryana.

S.S. Saron, J.

Vishal Aggarwal (petitioner) in CWP No. 12256 of 2016 has prayed for issuance of a writ of declaration that the calling for and holding of 'violent agitation', forceful 'bandh', 'road jam', 'blockade of railway tracks' and similar activities by private respondents or any such other organization or person or Jat Community against the interim order passed by this Court on 26.05.2016 in the case of 'Murari Lal Gupta v. State of Haryana and others' (CWP No. 9931 of 2016) and for pressurizing this Court to withdraw the interim order and also pressurizing the government

for getting a favourable decision from this Court regarding inclusion of Jat Caste in Central or State List of Backward Classes or for reservation in government services is unconstitutional, violative of Articles 19 and 21 of the Constitution and also in contravention of the directive principles of State policy embodied in the Constitution and the fundamental duties enumerated in the Constitution as also a penal offence under the Indian Penal Code and illegal in view of the judgment dated 17.03.2015 passed by Hon'ble the Supreme Court in Ram Singh and others v. Union of India, (2015) 4 SCC 697, and other judgments.

Further prayers have been made for taking steps against violent agitators to save the life, liberty and property of the citizens of the State of Haryana and also of residents of other States due to the violent agitation etc.

The petitioner - Vishal Aggarwal in the second petition, i.e. CWP No. 12458 of 2016, has prayed for issuance of a writ of declaration that the State be restrained from paying the expenses incurred on the para-military forces from public exchequer that have been deployed in the State keeping in view of fictitious call for agitation by the private respondents and any other similar organization (s) or persons seeking gain in their political life while they are in no way legally right in making the call for agitation. A further prayer has been made for issuance of appropriate directions to the State to recover the above expenses from the private respondents or any such other organization or person who have taken part in the agitation. A still further prayer has been made for issuance of appropriate directions to the State not to burden the citizens of Haryana on account of the expenditure on the deployment of para-military

forces in the wake of fictitious call for agitation by the private respondents and any other similar organization (s) or persons for seeking gain in their political life and they are in no way legally right in making the call for agitation. A still further prayer has been made for issuance of appropriate directions or orders to the private respondents or any other such organization or persons, who have taken part in the agitation, to pay the expenses incurred on the deployment of the para-military forces and other forces in the interest of public at large.

Insofar as Ram Singh's case (supra) is concerned and other contentions regarding the reservation, the same have been disposed of by a separate judgment passed today in Murari Lal Gupta's case (supra) (CWP No. 9931 of 2016).

The other prayers as made in CWP No. 12256 of 2016 are concerned no longer survive as the agitation for which action has been prayed for is now not there.

The prayers regarding recovery of expenses and not to burden the citizens of Haryana on account of expenditure on the deployment of para-military forces etc. are omnibus and it would be difficult in exercise of the writ jurisdiction of this Court to go into the same on the basis of material that has been placed on record. However, we give liberty to the petitioner, if so advised, to file a fresh petition making more comprehensive and definite claims for payment of compensation and against whom i.e. who would be the identifiable respondents from whom such a claim could be made. More material would have to be filed to support such an assertion; besides, it would require consideration as to

whether such a prayer can be gone into in exercise of the writ jurisdiction of this Court under Article 226 of the Constitution.

In the circumstances, both the writ petitions are disposed of in terms of the order passed today in Murari Lal Gupta's case (supra). However, liberty is granted to the petitioner to file a fresh petition, if so advised, by clearly stating as to who are the respondents from whom such recoveries can be effected and, if so, whether it can be done in exercise of writ jurisdiction of this Court.

(S.S. SARON)
JUDGE

(LISA GILL)
JUDGE

01.09.2017
Ramesh

Note: 1. Whether speaking/reasoned : Yes
2. Whether reportable : No