

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CM Nos.18394-18395 of 2017 in/and
CWP-28061-2017**

Date of Decision: 17.05.2018

Varinder Pal Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- None for the petitioner.

Mr. D.S. Sobti, Advocate for the applicant in CM Nos.18394-18395 of 2017.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The present petition was filed by way of Public Interest Litigation (in short 'PIL') seeking issuance of appropriate writ, order or direction, especially in the nature of mandamus for directing the respondents to make adequate security arrangements particularly in the District of Ferozepur, its surrounding Districts and throughout the other Districts of State of Punjab wherein Municipal elections were scheduled for 17.12.2017.

It was *inter alia* averred in the writ petition that thousands of people belonging to different political parties are blocking the National Highways, internal roads in the District of Ferozepur as well as across the

State of Punjab. The details of the blockages being carried out were mentioned in paragraphs 9 and 10 of the writ petition.

It was the case of the petitioner that no measures for security arrangements had been made by the police and even the provisions of Section 144 of the Code of Criminal Procedure had not been invoked in Ferozepur District as well as in other neighbouring Districts. It was asserted that hundreds of workers and voters owing their allegiance to different political parties have thronged the bridges which connect city Ferozepur with its neighbouring Districts. It was urged that similar situation is prevailing across the State of Punjab.

Against such backdrop, intervention was sought of this Court for issuance of guidelines pertaining to holding of demonstration. Reliance had been placed upon judgment of the Apex Court rendered in **Destruction of Public and Private Properties Versus State of Andhra Pradesh & others (2009) 5 SCC 212**.

The petition had come up for preliminary hearing on 08.12.2017 and this Court taking cognizance of the situation whereby hindrance may have been caused in the supply of essential commodities as also preventing smooth passage for patients in distress to the hospitals and such other eventualities, had observed that if any dharna, meeting or congregation is called or held by any of the political party henceforth, without any prior approval of the Deputy Commissioner of the same district, the same would not justify the test of being legal. Directions had been issued to the learned Advocate General of State to ensure that any dharna, meeting or congregation or activity which may leave to disruption of traffic, peace law

and order, routine trade business of general public, the same shall not be permitted in the State of Punjab keeping in view the ensuing Municipal elections. Further directions were issued to the learned Advocate General to ensure invocation of the provisions of Section 144 Cr.P.C. wherever required by the concerned authorities in accordance with law.

We find that the basic issue involved in the present writ petition pertains to laying of guidelines for holding of dharnas and blocking of National Highways etc.

The Municipal elections have already been held in the month of December, 2017. The affidavit dated 09.02.2018 of Sh. Gautam Cheema, IPS, Inspector General of Police, Law & Order, Punjab that had been filed reveals that the State Government is alive to the issue and to prevent such disruptive activities in the future, and in any case, to regulate and control the situation emanating therefrom, a Draft Policy has been prepared by the Department of Home Affairs and Justice, Punjab. The Draft Policy was considered even by the Director General of Police, Punjab and has been sent back to the Department of Home Affairs and Justice along with comments of Director General of Police.

We are satisfied that the State of Punjab and its functionaries have initiated necessary steps to tackle any situation which may arise in the future.

No further directions in the matter are called for at this stage.

Disposed of.

CM Nos.18394-18395 of 2017:

The present applications have been filed at the instance of

Mr. D.S. Sobti, Advocate for impleading the applicant(s) as an intervenor to assist the Court and for issuance of various directions in the nature of prescribing procedure for online submission of nomination forms of the candidates for the elections of Municipal Committees/ Corporations/ Panchayats in the State of Punjab and for video recording of nomination process etc.

Without going into the merits of such prayers raised, the applications are disposed of with liberty to the applicant to raise such issues in appropriate proceedings as may be warranted in accordance with law.

Disposed of.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

17.05.2018

harjeet

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |