

\$~7

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

+ LPA 85/2018 & CM APPL. 8498-8499/2018

MOHD NAUMAN Appellant
Through: Mr. Sunil Upadhyay, Adv.

versus

DIRECTOR GENERAL (PRISON) & ANR Respondents
Through: Mr. Satyakam, ASC, GNCTD.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **09.04.2018**

The appellant is aggrieved by the dismissal of his writ petition by which he had sought a direction to the Tihar Jail to permit him to enter its premises for the purposes of counselling inmates. The Tihar Jail had registered its objections and denied access. The learned Single Judge was of the opinion that the appellant/petitioner could not claim a vested right to visit the jail premises and that the authorities had discretion in determining whom to grant access to the premises.

The appellant's counsel emphasizes that the only adverse circumstance pitted against him was the letter addressed by one Shri Siddharth Yadav and jail visiting counsel who had complained to the authorities that he (the appellant) had interfered with the

choice of counsel to the inmates and guided them to engage another counsel. It is submitted that apart from this complaint there was no other allegation.

The counsel for the NCT of Delhi, Mr. Satyakam, urged that this Court should not interfere with the impugned order. He pointed out that the appellant was convicted for an offence but enlarged on bail pending consideration of his appeal. He submitted that the right to visit a jail by any citizen is not an unrestricted one and limitations have been placed in terms of the Jail Manual and other rules.

The Court is of the opinion that the appellant's contentions lack merit. Whilst he may have the right to practice or profess any occupation or vocation, that right does not carry with him the further right to fulfil the objectives; jail visits are regulated by rules. These rules confer wide discretion upon the jail authorities whose primary task is to ensure the safety and protection of the inmates and also ensure order within the premises.

Having regard to these considerations, the Court is of the opinion that the denial of writ by the learned Single Judge was justified. The appeal is dismissed. All the pending applications also stand disposed of accordingly.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 09, 2018/kks

LPA 85/2018

Page 2 of 2