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

+ W.P.(C) 11617/2018 & C.Ms.No.44870-71/2018

BALVINDER SINGH BAGGA Petitioner
Through: Mr. Satya Priya Kamrah, Mr.Ketan
Madan, Advocates

Versus

UNION OF INDIA AND ANR. Respondents
Through: Mr.Anil Soni, CGSC with
Mr.Abhinav Tyagi, Adv. and Mr.Abhishek
Khanna, G.P. for UOI
Mr.Devesh Singh, ASC (Civil) for GNCTD with
Ms.Urvashi Tripathi, Mr.Sukrita Ghai, Advs. for
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CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
26.10.2018

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The Petitioner has filed this writ petition in public interest and the prayers made by the petitioner read as under:

“(a) To issue a writ in the nature of prohibition or any other appropriate writ/order/direction to prohibit the sale of fireworks and crackers bearing the manufacturing date of year 2017 and year 2018 and/or to appoint a committee for the strict implementation of the same;

- (b) *To issue a writ in the nature of prohibition or any other appropriate writ/order/direction to prohibit the entry and transportation of fireworks and crackers in the NCR Region from outside the NCR Region and/or to appoint a committee for the strict implementation of the same;*
- (c) *To issue a writ in the nature of mandamus or any other appropriate writ/order/direction to hold and declare that the Circular/Standing Order dated 24.10.2018 issued by the Commissioner of Police as available on official website of Delhi Police regarding issuance of Temporary Fireworks Licence qua Pucca shops is illegal, arbitrary and ultra vires;*
- (d) *To issue a writ in the nature of prohibition or any other appropriate writ/order/direction to restrain the respondents from granting temporary fireworks and crackers licence to any site in violation of the Rule 84 of The Explosive Rules, 2008 and unless and until the proposed site is 50 meters away from any 'protected works' as defined under Rule 2(43) of the Explosive Rules, 2008;*
- (e) *To issue a writ in the nature of mandamus or any other appropriate writ/order/direction that in case the Pucca shop is also to be treated as temporary shed then all the conditions prescribed under Rule 84 of The Explosive Rules, 2008 read with Rule 2(43) which defines 'protected work' are equally applicable to all the Temporary Fireworks License irrespective of the fact whether the proposed site is a Pucca shop or a Temporary shed and all the terms and conditions have to strictly followed including distance of 50 meters from any 'protected work' which includes inter alia a public road, dwelling House, Hospital, public way, school, shop, market, factory etc.;*

(f) *Any other relief which this Hon'ble Court may deem fit and proper in the light of above facts and circumstances."*

2. It is canvassed by the learned counsel appearing for the petitioner that inspite of categorical directions issued by the Hon'ble Supreme Court, licences are being issued for sale of fire crackers contrary to the directions of the Supreme Court and even the standing order / circular passed on 24.10.2018 permitting issuance of licence is illegal and contrary.

3. During the course of hearing, our attention is invited to an order passed by the Hon'ble Supreme Court on 23.10.2018 in W.P.(C) No.728/2015 and we find that the process initiated for grant of temporary licence is based on the directions issued by the Hon'ble Supreme Court in the detailed order passed on 23.10.2018 and the matter is now listed before the Hon'ble Supreme Court on 11.12.2018. In case it is the grievance of the petitioner that the process initiated for issuing temporary licence for sale of fire crackers or grant of license violates the guidelines and the mandates issued by the Hon'ble Supreme Court, the petitioner should file an appropriate application before the Hon'ble Supreme Court and seek indulgence in the matter.

4. In our considered view, once the Hon'ble Supreme Court has issued various guidelines and according to the respondents they are proceeding to issue temporary licence in accordance with the aforesaid directions issued by the Hon'ble Supreme Court, that being the position, it is not appropriate for this Court to interfere into the matter. In case the petitioner has any grievance with

regard to the action taken, being contrary to the directions or guidelines laid down by the Hon'ble Supreme Court, the petitioner should in all fairness bring this fact to the notice of the Hon'ble Supreme Court.

5. On such consideration, indulgence into the matter by this Court cannot be made when the matter is already pending consideration before the Hon'ble Supreme Court and the petition is coming up for hearing on 11.12.2018.

6. With the aforesaid observations, the writ petition stands dismissed.
Order *dasti* under the signatures of the Court Master.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 26, 2018
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