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

+ W.P.(CRL) 115/2019

GAURAV SHARMA

..... Petitioner

Through: Mr.Gaurav Sharma, Adv. with
Ms.Shreya Pandey, Adv.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Vinod Diwakar, CGSC with
Mr.Subhash Chandran, Adv. for R-1.
Mr.Rahul Mehra, Standing Counsel with
Mr.Chaitanya Gosain, Adv. for State.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.01.2019

1. This public interest litigation has been filed by the petitioner and the prayer made in the writ petition reads as under:-

“(a) Kindly issue appropriate writ, order or direction in the nature of mandamus or any other appropriate writ or direction issuing notice to the Respondents to file their reply.

(b) Kindly issue appropriate writ, order or direction in the nature of mandamus or any other appropriate writ or direction forming a committee monitored by the Hon'ble High Court consisting of members from all the relevant departments which can review the entire policy and find pitfalls in the existing policy of issuing firearms license in the National Capital Territory of Delhi.

(c) Kindly issue appropriate writ, order or direction in the nature of mandamus or any other appropriate writ or direction to the Respondents directing them to formulate a Compensation Policy for the benefit of victims of road rage incidents in the National Capital Territory of Delhi.”

2. The petitioner wants this Court in this public interest litigation to formulate policies and guidelines in the matter of preventing road rage deciding Compensation Policy for such instances and, in fact, the petitioner wants us to make certain provisions for providing compensation etc. to victims of such incidents.

3. In our considered view, the aforesaid falls within the domain of legislative action on the part of the State Government formulating policies for prevention of such instances being within the domain of executive or legislative authorities. We cannot interfere in the matter of formulating executive policies or legislative policies for payment of compensation and taking action for such instances, being a criminal offence, in a writ petition of the nature of public interest exercising our extraordinary jurisdiction under Article 226 of the Constitution. Similarly, we cannot lay down a formula or a policy for providing compensation or bringing into place mechanism for issuance of Arms License or control the issue of Arms License. All these are already dealt with under the Arms Act and the Motor Vehicles Act or other statutory legislation already in place for dealing with such issues and, therefore, finding no case made out for interfering into the matter in public interest litigation, we see no reason to interfere.

4. The petition is accordingly dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

JANUARY 15, 2019

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