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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11.10.2019

+ W.P.(C) 2165/2017

ANIL DUTT SHARMA

..... Petitioner

Through: Mr.Rakesh Sachdeva, Adv.

versus

NARCOTICS CONTROL BUREAU (NORTH REGION)

& ORS

..... Respondents

Through: Mr.Ajay Digpaul, Adv. for UOI.
Mr.Satyakam, Adv. for R-2 & 3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE REKHA PALLI

D.N. Patel, Chief Justice (Oral)

1. This public interest litigation has been preferred with the following prayers:-

“1. Allow this writ petition in nature of public interest litigation and issue writ in the nature of Mandamus or any other appropriate writ to the respondents, especially the respondent no. 1 to prepare and implement stringent action plan to destroy drug peddling network preferably through under-treatment drug-addicts, who are first source to nab those peddlers.

2. Issue writ in the nature of Mandamus or any other appropriate writ to the Respondent no.2 to increase vigil in entire Delhi especially near park and school to nab drug peddlers.

3. Issue writ in the nature of Mandamus or any other appropriate writ to the Respondents, so that all of them prepare coordinated action plan to discourage drug use.

4. Any other order as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.”

2. Having heard the counsel for both the sides and looking to the arguments canvassed by counsel for the petitioner that the respondents have formulated/enacted a national policy for narcotic drugs & psychotropic substances under the Narcotic Drugs & Psychotropic Substances Act, 1985, which policy is not being properly implemented. It is further submitted by counsel for the petitioner that as per the affidavits filed by the respondents, the said national policy is being managed by the Department of Revenue and Ministry of Finance under Government of India. He further submitted that there should be only one Ministry i.e. Department of Revenue, to manage the national policy under the Narcotic Drugs & Psychotropic Substances Act, 1985.

3. Having heard counsel for both sides and looking to the facts and circumstances of the case, it appears that no head and tail could be matched for the prayers as prayed by the petitioner in the memo of this writ petition. The first prayer is to the effect that the respondent should destroy the drug peddling network, no such prayer can be granted by this Court in abstract, specific instance ought to have been given in the petition. In general, no such direction can be given to the respondent that the respondent should destroy the drug peddling network under the Narcotic Drugs & Psychotropic Substances Act,

1985. Even otherwise also, it is the duty of the respondents to destroy the drug peddling network. Thus, unless specific instances are brought to the notice of the Court, no direction can be given as prayed for in this writ petition.

4. Moreover, looking to the second prayer in this writ petition, it appears that the petitioner has presumed that near every park and school in Delhi, drug peddlers are operating. This is also based upon the presumption and assumption of the petitioner. We, therefore, see no reason to give any direction to the respondents. Nevertheless, it is expected from the respondents that they shall perform their duties under the existing laws including the Narcotic Drugs & Psychotropic Substances Act, 1985, to prevent sale and purchase of the narcotic drugs and psychotropic substances. As and when any specific instance is being brought to the notice of the respondents, immediate action shall be initiated by the respondents in accordance with law.

5. With this observation, this writ petition is hereby dismissed.

CHIEF JUSTICE

REKHA PALLI, J

OCTOBER 11, 2019/aa