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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 566/2020

FEDERATION OF SARITA VIHAR RESIDENT WELFARE
ASSOCIATION

..... Petitioner

Through: Mr.Amresh Mathur, Mr.Pramod Jalan,
Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms.Maninder Acharya, ASG with
Mr.Amit Mahajan, CGSC, UOI with
Mr.Krishnesh, Mr.Gitesh Chopra, Adv.
Mr.Amit Mahajan, CGSC with Mr.Rajat Nair,
Adv. for R-1 & 3.
Mr.Shadan Farasat, ASC, GNCTD with Ms.Hafsa
Khan, Mr.Bharata Gupta, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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15.01.2020

CM 1521/2020

Exemption allowed, subject to all just exceptions.

WP(C) 566/2020

This petition has been filed *inter alia* praying for the following
reliefs:

“(a) issue an appropriate Writ, Order or Direction especially in the nature of Mandamus directing the Respondents to take all necessary and appropriate actions to restore all kinds of vehicular movement on Road No: 13 A connecting Sarita Vihar/Jasola to NOIDA via Kalindi Kunj, New Delhi forthwith and without any further delay;”

The Division Bench of this Court, by an order dated 14.01.2020 passed in WP(C) No.429/2020, titled ***Amit Sahni vs. Commissioner of Police and Ors.***, dealing with the similar prayer, has passed the following directions:

“3. In view of these facts, we hereby direct the concerned respondent authorities to look into the grievances ventilated by the petitioner in this writ petition, especially at Annexure P-3, about the restrictions on the usage of the road which is known as Kalindi Kunj-Shaheen Bagh Stretch i.e. Road No.13 A (between Mathura Road and Kalindi Kunj) as well as Okhla underpass and will react, in accordance with law, rules, regulations and Government policies applicable to the facts of the present case. The concerned respondent authorities shall also keep in mind the larger public interest as well as the maintenance of the law and order.

4. It ought to be kept in mind that whenever any agitation or protest is going on, situation is like fluid – keep on changing looking to the temperament of the protesters and resistances by other people. Simultaneously, police has to maintain the law and order. Hence, the respondents have all power, jurisdiction and authority to control the traffic, whenever protests or agitations are going on, in the larger public interest. In such a situation, no specific writ, order or direction can be issued by this Court as to how to handle the agitation or protest or the place of protest and the traffic. It all depends upon the ground reality and the wisdom of the police, where situations may keep changing every 10 minutes.”

The present petition is disposed of reiterating the above direction while directing the respondent no.3 to also consider the contents of the present petition as a representation. The respondent

no.3 while taking a decision on the representation of the petitioner shall also consider the plight of the students who have to travel to schools and also have the Board Examination.

Dasti under the signature of the Court Master.

NAVIN CHAWLA, J

JANUARY 15, 2020
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