

\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P. (C) 3310/2020, C.M. No.11608/2020

PRATEEK KUMAR AND ANR.

.....Petitioners

Through: Mr.Prateek Kumar and Ms.Anjali
Jain in person

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Anurag Ahluwalia, CGSC

Mr.Abhigyan Siddhant, Advocate for R-1/UOI

Mr. Satyakam, Additional Standing Counsel for
R-3/GNCTD

Ms.Neelam Narang, Addl. PP/Incharge, Rape
Crisis Cell, Delhi Commission for Women for
R-5

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

%

01.06.2020

[VIA VIDEO CONFERENCING]

C.M. No.11608/2020 (for exemption)

1. Allowed, subject to just exceptions and in terms of extant rules.
2. The application is disposed of.

W.P. (C) 3310/2020

3. This petition filed as a Public Interest Litigation (PIL) seeks the following reliefs: -

*“a) an appropriate writ order or direction to
Respondents to ensure that the Fundamental rights*

guaranteed by the Constitution for the women in India are not abridged in any manner by formulating “Pan-India Comprehensive Guidelines” providing umbrella protection for all Women across the country, against all and every kind of violence, discrimination and lack of access to essential health services including sexual and reproductive health services during COVID-19.

b) Pass any other Order(s) as this Hon’ble Court may deem fit in the given facts and circumstances of the present case.”

4. The petition has been filed by two lawyers namely Mr.Prateek Kumar and Ms.Arushi Jain who appear in person and on inquiry state to have been practicing law for four years and three years respectively. This petition filed as a PIL is yet another instance of filing PILs on the basis of newspaper reports and material on the internet and without any study of law. The petitioners are unable to answer how or under which law this Court can issue “PAN-India Comprehensive Guidelines” and how the same would be binding on other States having their own High Courts. They are even unable to state whether the subject qua which the guidelines are sought, falls in the Legislative List of the Union of India or the States. Their only response is that the petition may be treated as a petition for Delhi alone, again showing, that for the purposes of news bites, reliefs are claimed of which no basis even is known to the petitioners in spite of being advocates.

5. The petitioners have also pleaded and have annexed to the petition the orders filed in at least two other petitions on the same subject.

However, on enquiry as to why this petition has been filed in spite of those orders, it is contended that wider directions are sought in this petition covering aspects not covered by the earlier orders. However, on further enquiry whether the petitioners have studied the writ petitions in which the said orders were passed to see whether the reliefs as claimed by the petitioners were claimed in those petitions also and not granted, the answer is again in the negative.

6. Faced with the aforesaid, Mr.Prateek Kumar states that the petition be ordered to be treated as a representation of the petitioners.

7. Mr.Satyakam, Additional Standing Counsel for the respondent no. 3 Govt. of NCT of Delhi appearing on advance notice, also points out that as per the PIL Rules of this Court, a public interest writ petitioner is required to state that the representation was made and though the petitioners have filed their affidavits that the petition is in compliance of the said Rules, the said averment is false inasmuch as there is no averment in the petition of any representation having been made.

8. We have enquired from the petitioners the costs to be imposed on them.

9. The petitioners now state that they withdraw the petition and may not be burdened with costs.

10. Cautioning the petitioners to not misuse the PIL route in future, we are today refraining from imposing costs and allow the petitioners to withdraw the petition. However, the petitioners to be careful in future and

not file PILs without studying the law and without making out a case of the same having been filed for the benefit of person/s not able to approach the court on own.

11. The petition is dismissed as withdrawn.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

JUNE 01, 2020

sm/s