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

Date of Decision: 1st February, 2021

+ W.P.(C) 1241/2021

DELHI CITIZEN FORUM FOR CIVIL RIGHTS..... Petitioner

Through: Mr. Joginder Tuli in person

versus

STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr. Rishabh Jetley, Adv. for
Mr.Sanjoy Ghose, ASC for GNCTD/R-1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

C.M.No.3470/2021 (exemption)

Allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) No.1241/2021

1. This Public Interest Litigation has been preferred with the following prayers:

“a) Allow this writ petition and issue Appropriate writ, orders or directions to the respondents for taking action against the concerned officials for failure of the intelligence and the Delhi Police/Respondent No.3 for not controlling and

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anticipating the farmers protest held on Republic Day i.e. 26.01.2021 and to ascertain and fix up responsibility of the major lapses causing breach of security which is in violation of national honour due to forced entry of kisan/farmers in redfort area and hoisting of Nishan Sahib flag on the pole at Red Fort meant for hoisting of national flag by Hon'ble Prime Minister; and /or

b) Pass any other order which this Hon'ble Court may deem fit in the interest of justice."

2. Upon perusal of the abovementioned prayer, it appears that the petitioner is primarily aggrieved by the following: -

- (i) There was "Law & Order" problem on 26th January, 2021, which was not dealt with promptly and as required by law, by the concerned officials of Respondent No.3.
- (ii) The "Law & Order" problem arose on account of "Intelligence Failure".
- (iii) Penal action ought to be taken against the erring officials.

3. Having heard the petitioner in person and looking into the facts and circumstances as enumerated in the writ petition, we see no reason to entertain this writ petition. The incidents highlighted in the petition allegedly took place on 26th January, 2021. It appears that immediately thereafter, the present petition was prepared on 27th January, 2021 and promptly filed on 28th January, 2021.

4. It is evident that the present petition has been filed in a great haste expecting all actions to be taken overnight. There is no gainsaying that investigation into incidents, filing of charge sheets, etc. has to be in accordance with law and will take its own course. We are informed by the

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learned counsel for Respondent No. 1 that the concerned authorities are seized of the matter and necessary action is underway.

5. Petitioner ought to have waited for a reasonable period of time instead of approaching the Court by filing the present petition on 27th January, 2021 when the alleged incidents occur on 26th January, 2021. Since the Government has already started taking action with respect to the incidents which have taken place in the NCT of Delhi on 26th January, 2021, we see no reason to monitor the investigation etc. and interfere in the same at this stage.

6. In view of the aforesaid facts and reasons, the present petition is dismissed with costs of Rs.10,000/- to be paid by the petitioner to the Delhi State Legal Services Authority (DSLISA), within four weeks from today. The aforesaid amount shall be utilized for the programme 'Access to Justice'.

7. Copy of this order be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi - 110001.

CHIEF JUSTICE

JYOTI SINGH, J

FEBRUARY 1, 2021

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