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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 29th July, 2021

+ W.P.(C) 1899/2021 & CM APPLs. 5504/2021, 5505/2021 (stay),
5508/2021 (exemption) & 10559/2021 (for impleadment)

AMIT SAHNI

..... Petitioner

Through: Petitioner in person

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC and

Ms. Ayushi Bansal, Advocate for R-1 & 2

Mr. S.K. Sethi, Advocate with Mr. Kanwal Jeet

Arora, Member Secretary, DSLSA

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

Proceedings have been conducted through video conferencing.

1. Present writ petition has been preferred seeking the following prayers:-

“i) Issue a writ in the nature of mandamus or any other writ of like nature thereby passing order or direction to defer the surrendering of prisoners with multiple medical conditions and prisoners above 65 years of age, in the larger interest of prisoners and prison administration.

ii). *Issue a writ in the nature of Mandamus or any other writ of like nature thereby directions be issued to the respondents to ensure surrendering of such ailing or prisoners above 65 years of age after surrender of all other convicts / under-trial prisoners.*

iii). *Issue further directions that the prisoners, who are Covid-19 infected should quarantine themselves at their place before surrendering.*

iv) *Pass any other appropriate Order or Direction as this Hon'ble Court may deem fit."*

2. Learned counsels for the parties jointly submit that the Hon'ble Supreme Court is also seized of the issues that have been raised in the present petition, in Suo Motu Writ Petition (C) No.1/2020 wherein vide order dated 16.07.2021 the Hon'ble Supreme Court had directed that those prisoners who have already been released on bail from the prison by virtue of orders passed by the Hon'ble Supreme Court from time to time and on the basis of recommendations of High Powered Committees constituted for the purpose, shall not be asked to surrender to the prison, until further orders. In the short affidavit filed on behalf of Respondent No. 2 on 24.04.2021, it is averred that similar issues are also under consideration before the Hon'ble Supreme Court in the case of ***National Forum on Prison Reforms vs. Government of NCT of Delhi & Ors.*** in SLP(C) No. 13021/2020, which is pending.

3. As the Hon'ble the Supreme Court is seized of the issues, which are the subject matter of the present petition, we see no reason to keep the present petition pending.

4. The writ petition is accordingly disposed of along with the pending applications, giving liberty to the Petitioner to resort to appropriate remedies available in law at a later stage if the need so arises.

CHIEF JUSTICE

JYOTI SINGH, J

JULY 29, 2021/yg

