

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-PIL-90-2022

Date of decision : 23.09.2022

Sudhir Bansal

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajesh Aggarwal, Advocate,
Mr. Y.P. Singla, Advocate,
Mr. Mridul Aggarwal, Advocate, and
Ms. Deeksha Aggarwal, Advocate,
for the petitioner.

Mr. Avinit Avasthi, Asst. Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This petition has been filed by the petitioner praying for the following reliefs :

- “A. Grant appropriate writ of Mandamus thereby directing the respondents to declare and enforce the fundamental rights, as enshrined in Article 21 of Constitution of India i.e. Right to Life, with respect to unborn child (fetus) in the womb of a woman; more particularly the girl child, and thereby preventing the girl feticide.
- B. To grant an appropriate writ thereby making some guidelines for an effective alternative mechanism in the absence of sound legislative measures.
- C. To issue an appropriate writ of mandamus to the respondents to deal with the representations dated 03.04.2022 (Annexure P26) in a time bound manner.

- D. The petitioner may kindly be exempted from filing certified copies of Annexures P-1 to P-27.
- E. The petitioner be further exempted from serving the advance notices of this writ petition upon the respondents.
- F. Cost of the present petition be also awarded to the petitioner.
- G. Any other relief which has not been specifically prayed for by the petitioner in the present writ petition but which this Hon'ble Court may found it entitled to be granted to the petitioner.

It is further prayed that during the pendency of the present writ petition, the Hon'ble Court may be graciously pleased to pass such interim order safeguarding the interest of unborn girl child till the disposal of the main petition, in the interest of justice and equity.”

At the outset, it is pertinent to note that a similar petition was filed by the petitioner before the Supreme Court, which was registered as Writ Petition(s) Civil No(s).1061/2021, praying for the same reliefs, except prayer No.C, made in the present petition.

The Supreme Court, vide order dated 01.04.2022 (P-25), after hearing learned counsel for the petitioner, permitted the petitioner to withdraw the writ petition with liberty to approach the competent Authority/Court. Accordingly, pursuant to the order passed by the Supreme Court, the petitioner submitted a representation to the authorities concerned on 03.04.2022, which is purportedly pending consideration.

Learned counsel for the petitioner, in reference to the order passed by the Supreme Court (**ibid**), submits that as this Court has been

directed to entertain and consider the grievance/concerns raised by the petitioner, the matter is required to be decided on merits.

Ex facie, the contention of the learned counsel for the petitioner that the Supreme Court, vide its order, required or directed this Court to entertain and decide the petition on merits is misconceived. A bare perusal of the said order reveals that the petitioner had himself withdrawn the writ petition with liberty to approach the competent Authority/Court. Concededly, pursuant to the order passed by the Supreme Court, the petitioner, vide representation dated 03.04.2022 (P-26), has already moved the respondent authorities, which is already pending. In such circumstances, we do not find any reason to entertain the present petition, at this stage.

The petition is, accordingly, disposed of with liberty to the petitioner to pursue the representation (**ibid**), before the authorities, in the first instance.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

September 23, 2022
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No