



Neutral Citation Number: 2023:DHC:4946-DB

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

Judgment reserved on: 26.05.2023

%

Judgment delivered on: 18.07.2023

+ W.P.(C) 1851/2021 and C.M. Nos. 5422/2021, 37296/2022, 37297/2022, 37298/2022, 4479/2023, 28090/2023, 28092/2023

SARVADAMAN SINGH OBEROI Petitioner

Through: petitioner in person.

versus

GOVT OF NCT OF DELHI AND ORS Respondent

Through: Mr. Santosh Kr. Tripathi, SC with Mr. Arun Panwar, Ms. Mahak Rankawat, Mr. Utkarsh Singh and Mr. Pradyumn Rao, Advocates for Respondent No. 1.
Mr. Anil Soni, CGSC for Respondent/UOI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

J U D G M E N T

SATISH CHANDRA SHARMA, C.J.



Neutral Citation Number: 2023:DHC:4946-DB

1. The instant Writ Petition was filed and argued by the Petitioner in person, seeking the following reliefs –

“I. Issue a writ/order/direction in the nature of quo warranto, mandamus or any other appropriate writ / order quashing Delhi Gazette. Pt. IV No. 259 dt. 24.11.2020, Govt. of the NCT of Delhi, N.C.T.D. No. 209 (SG-DL-E-25112020- 223298) and/or;

II. Issue a writ/order/direction in the nature of quo warranto, mandamus or any other appropriate writ / order quashing Govt. of the NCT of Delhi Notification F.6/13/2011-Judl./Suptlaw/721-725 dt. 14.06.2011 and/or;

III. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondents to ensure one Human Rights Court under Section 30 of Act 10 of 1994 in each of the eleven district courts of Delhi in accord with the International Rule of Law which is the mandate of Articles 51 and 253 of the Constitution of India, 1949 read with sub-section (d) & (f) of section 2 of Central Act No. 10 of 1994 within a period of 240 days or lesser period, preferably in seisen of the Learned District & Sessions Judge, as may be in the wisdom of this Hon’ble Court and/or;

IV. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondents to ensure one Independent Human Rights Prosecutor under Section 31 of Act 10 of 1994 exclusively appointed to examine and process claims of human rights offences for prosecution of appropriate case before the Human Rights Court in each of the eleven district courts of Delhi in accord with the International Rule of Law which is the mandate of Articles 51 and 253 of the Constitution of India, 1949 read with sub-section (d) & (f) of section 2 of Central Act No. 10 of 1994 within a period of 240



Neutral Citation Number: 2023:DHC:4946-DB

days or lesser period, as may be in the wisdom of this Hon'ble Court and/or;

V. Pass any other order as this Hon'ble Court may deem fit and proper in the interest of justice."

2. Vide Order dated 15.02.2021, this Court had issued notice only with respect to Prayers III & IV and directed the Respondents to file counter-affidavits only with regards to the same. Further, observing that several parties had been impleaded as Respondents who were either not necessary nor proper, this Court deemed it fit to direct deletion of Respondent Nos. 3-10 from the array of parties and directed the Petitioner to file an amended memo of parties.

3. The reply filed by the Home Department of Respondent GNCTD, reveals that the Human Rights Courts have already been established and the Home Department of GNCTD vide Notification bearing no. F8/272/2020/HP/I1/617-632 dated 08.03.2021 has specified the Additional Public Prosecutor of Directorate of Prosecution attached with the concerned Courts of Additional Sessions Judge in each district of Delhi/Designated Courts to deal with the cases pending in such Courts under the Protection of Human Right Act, 1993.

4. Vide Order dated 07.07.2022 too, this Court observed the aforesaid. Mr. Santosh Kumar Tripathi, Ld. Standing Counsel for the Respondent / GNCTD had brought to the notice of this Court that vide the aforesaid notification the Home Department has specified the Additional Public



Neutral Citation Number: 2023:DHC:4946-DB

Prosecutor of Directorate of Prosecution attached with the concerned Courts of Additional Sessions Judge in each district of Delhi/Designated Courts to deal with the cases pending in such Courts under the Protection of Human Right Act, 1993.

5. From a perusal of the prayers, it is evident that the Petitioner sought relief inasmuch as the establishment of Human Rights Courts and the role of Special Public Prosecutor existed under Section 30 & 31 of the Protection of Human Rights Act, 1993 respectively.

6. Section 30 of the Protection of Human Right Act, 1993 provides for designation of a Court of Session in each district to be a human rights court, in order to provide for speedy trial to offences emanating out of violation of human rights. The proviso to the said section thereafter reads that the section shall not be applicable in case a Court of Session is already specified as a special court or a special court is already constituted.

7. Section 31 thereafter reads that the State Government is to appoint a Special Public Prosecutor with no less than seven years of practice for the purpose of conducting cases, for every Human Rights Court. By virtue of the aforementioned Notification dated 08.03.2021 Special Public Prosecutor is also available for the Human Right Courts.

8. In light of the aforesaid, nothing survives in this instant Writ Petition for adjudication and this Court does not find any reason to proceed further with the instant proceedings.

9. The instant Writ Petition is disposed of, along with pending application(s), if any.

2023:DHC:4946-DB



Neutral Citation Number: 2023:DHC:4946-DB

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

(SUBRAMONIUM PRASAD)
JUDGE

JULY 18, 2023



Signature Not Verified

Digitally Signed
By: BHUPINDER SINGH
ROHELLA
Signing Date: 19/07/2023
12:09:55

W.P.(C.) No.1851/2021

Page 5 of 5