



\$~65

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

+ W.P.(C) 4578/2024

SURJIT SINGH YADAV

..... Petitioner

Through: Mr. Shashi Ranjan Kumar Singh,
Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr.
Apoorv Kurup, CGSC, Mr. Akhil
Hasija, Mr. Amit Gupta, Mr. Vinay
Yadav, Mr. Vikramaditya Singh and
Ms. Gauri Goburdhan, Advocates for
R-1/IOI

Mr. Santosh Tripathi, Standing
Counsel with Mr. Sadan Farast, ASC
for R-2

Mr. P. Dosi, Advocate for
Department

Mr. Rahul Mehra, Sr. Advocate with
Mr. Karan Sharma, Mr. Tushar Sannu
and Mr. Chaitanya Gosain, Advocates
for R-4

%

Date of Decision: 28th March, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 18779/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 28.03.2024
17:27:28



W.P.(C) 4578/2024

1. Present public interest petition has been filed seeking Writ in the nature of Quo Warranto calling upon the Respondent Nos. 1 to 3 to justify under what authority Respondent No. 4 is continuing to hold the post of Chief Minister of Government of NCT of Delhi and to further remove Respondent No. 4 from the post of Chief Minister of the Government of NCT of Delhi.

2. Learned counsel for the Petitioner states that the continuance of Respondent No. 4 as the Chief Minister of Government of NCT of Delhi after his arrest by the Enforcement Directorate in the money laundering case relating to the alleged liquor policy scam has degraded the credibility and image of Government of NCT of Delhi in the eyes of general public. He states that the continuance of Respondent No. 4 as Chief Minister has lead to breakdown of Constitutional machinery in the State.

3. He contends that with the Chief Minister in custody, the State Government cannot function. In support of his contention, he relies upon Rule 585 of the Delhi Prison Rules, 2018, which reads as under:-

“Every prisoner shall be allowed reasonable facilities for seeking or communicating with, his family members, relatives, friends and legal advisers for the preparation of an appeal or for procuring bail or for arranging the management of his property and family affairs

He shall be allowed to have interviews with his family members, relatives, friends and legal advisers twice in a week. A prisoner may be allowed to work any number of letters at his cost, however government will provide four post cards in a month, if he so desires .”

4. Having heard the counsel for the Petitioner and having perused the paper-book, this Court is of the view that there is no scope for judicial interference in the present matter. This Court in writ jurisdiction cannot remove or dismiss Respondent No. 4 from the post of Chief Minister of the





Government of NCT of Delhi or declare breakdown of constitutional machinery in the State. It is for the other organs of the State to examine the said aspect in accordance with law. This Court clarifies that it has not commented upon the merits of the allegations.

5. With the aforesaid observations, the present writ petition is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 28, 2024/rhc

Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 28.03.2024
17:27:28