



2025:DHC:9998-DB



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

+ **W.P.(C) 17119/2025 & CM APPL. 70420/2025**

UPENDRA NATH DALAI

.....Petitioner

Through: Petitioner in person.

versus

**UNION OF INDIA MINISTRY OF HOME AFFAIRS THROUGH
JOINT SECRETARY (COORDINATION)**

.....Respondent

Through: Mr. Chetan Sharma, ASG with Mr. Ankur Mittal, CGSC, Mr. Amit Gupta, Ms. Sucharu Garg and Ms. Rabaica Jaiswal, Mr. Shubham Sharma and Mr. Naman, Advs.

Date of Decision: 12th November, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G E M E N T

TUSHAR RAO GEDELA, J: (ORAL)

1. Present Public Interest Litigation has been filed under Article 226 of the Constitution of India seeking declaration of Sections 147 to 158 under Chapter VII titled as "Of offences against the State" and Sections 189 to 197 under Chapter XI titled as "Of offences against the Public Tranquility" of the Bharatiya Nyaya Sanhita, 2023 as unconstitutional.

2. At the outset, it is relevant to note that the petitioner in person had earlier filed a writ petition bearing W.P.(C) 9364/2025 in the nature of a PIL seeking

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identical prayers, though worded differently, which was dismissed by a Co-ordinate Bench of this Court *vide* order dated 09.07.2025. The same reads thus:-

“1. Heard learned counsel for petitioner in person as well as, Mr. Chetan Sharma, learned ASG representing respondent.

2. Prayer made in the Writ Petition is as follows:-

“(A) issue a notice/ direction (s)/order to the respondents to abolish the sections 147 to 158 with the title "of offence against the state" in the chapter VII of the BharatiyaNyay Sanhita 2023 in the constitution of India.

(B) issue a notice/direction(s)/order to the respondents to abolish the sections 189 to 197 with the title "Of Offence against the public tranquility" in the chapter XI of the Bharatiya Nyay Sanhita 2023 in The Constitution of India.

3. We have perused the prayers made in the petition. Essentially, what the petitioner is asking the Court is to give a direction to the Parliament to legislate an amending Act.

4. Prayer made in this Public Interest Petition cannot be granted by the Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, this Writ Petition is dismissed.

6. Pending application also stands disposed of.”

[emphasis supplied]

3. Thereafter, the petitioner had filed an application seeking review of the order dated 09.07.2025 which also stood dismissed *vide* order dated 17.10.2025, which reads thus:-

“REV. PETITION 453/2025 (by petitioner)

1. This petition seeks review of our order dated 09.07.2025, whereby the writ petition filed by the review petitioner was dismissed by stating the reason that the prayer in the writ petition could not be granted as essentially, the petitioner was seeking the relief that the Court may issue a direction to the Parliament to legislate an amending Act.

2. The review petitioner, who appears in person, has stated that he may be permitted to amend the prayer clause in the writ petition.

3. We are afraid no such ground is available for seeking review of the order



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dated 09.07.2025. If the petitioner intends to institute any other writ petition with certain prayers other than the ones made in W.P.(C) 9364/2025, it is needless to say that he will be at liberty to institute a fresh petition.

4. The review petition is, thus, dismissed.”

4. It is also pertinent to reproduce hereunder the prayers sought in the present PIL:-

“(a) issue a notice/direction (s)/order to the respondents to declare the sections 147 to 158 with the title "of offence against the state" in the chapter VII of the Bharatiya Nyay Sanhita 2023 in the constitution of India are invalid.

(b) issue a notice/ direction (s)/order to the respondents to declare the sections 189 to 197 with the title "Of Offence against the public tranquility" in the chapter XI of the Bharatiya Nyay Sanhita 2023 in the Constitution of India are invalid.”

5. It is apparent from the reading of the prayers sought in the present purported PIL and the previous PIL bearing W.P.(C) 9364/2025 that essentially, the challenge laid is the same. Merely by replacing the word ‘abolish’ with the word ‘declare’ as unconstitutional, the import and purport of the challenge would not change. Filing multiple PILs on identical challenges cannot be appreciated by this Court.

6. It is also essential to note that the petitioner in person has been filing several other frivolous petitions in the nature of PIL and has been cautioned by this Court on multiple occasions. Understanding that the petitioner who appears in person is a layman and may not understand the intricacies of law, this Court had also provided him the assistance/expertise of a senior advocate as well as an advocate speaking native language of the petitioner (Oriya). Yet, the petitioner does not appear to mend his ways. Though we are not reproducing, *in extenso*, the statements and contents of the present PIL, we may note that many of such



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statements border on offensive to contumacious presentation of wild and imaginative state of affairs. In fact, certain statements may actually be contempt, yet we do not think it appropriate to initiate such action at this stage.

7. On a query, the petitioner states that he is serving as a security guard in some institution. In that view of the matter, rather than imposing costs, exemplary or otherwise, we find it more appropriate to give a stern warning to the petitioner to be more careful in the future and not file such vexatious and frivolous petitions in the guise of public interest petitions. If such misadventures are repeated, we may be constrained to take a more serious view.

8. In view of the above, we dismiss the present PIL alongwith pending application.

9. Before we part, we feel it appropriate to direct the Registry to make a note of the present order and place it before the Court dealing with PILs as and when any further petition in the nature of a PIL is filed by the petitioner.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

NOVEMBER 12, 2025/rl