

IN THE HIGH COURT OF DELHI AT NEW DELHI

Writ Petition (Civil) No. of 2021

In the matter of Public Interest Litigation:

Sh. Dhananjai Jain, Petitioner

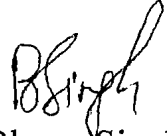
Versus

Union of India & Anr. Respondents

INDEX

Sl. No.	Particulars	Pages	Court fee
1	Urgent Application	1	
2.	List of dates	2-4	
3.	Memo of parties	5	
4.	Writ Petition in Public Interest with affidavit	6-14	
5.	Court fees	15	
6.	Vakalatnama	16	
7.	Proof of service	17	

New Delhi
27.1.2021


(Bhoop Singh)
Advocate for petitioner
32 Lawyers Chamber
Supreme Court of India
New Delhi – 110 001
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in THE HIGH COURT OF DELHI AT NEW DELHI

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Sh. Dhananjai Jain	Petitioner
	Versus	
Union of India & Anr.	Respondents

URGENT APPLICATION/ GROUND OF URGENCY

Due to unprecedented and unbecoming incident having taken place on 26.1.2021 it has become necessary to direct the Central Govt. to impose effective measure and effect basis to protect the life and property of Delhi citizens. It is also imperative that incumbent Commissioner of Delhi Police is removed from his position from immediate effect..

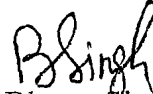
It is requested that the matter be placed before court on 28.1.2021

The petition as such involves utmost urgency.

New Delhi

Dated : 27.1.2021

Yours faithfully



(Bhoop Singh)

Advocate for petitioner

32, Lawyers Chambers,

Supreme Court of India

New Delhi-110001

Ph: 9654908384

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LIST OF RELEVANT DATES

Present case shows complete failure of the government and in particular that of Delhi Police in maintaining law and order in proper and effective manner and controlling activities of miscreants.

What happened in Delhi on 26-1-2021 calls for serious corrective action.

26.11.2020 Agitation started by certain persons to oppose legislation concerning farmer and their interest. The agitation continued without any result; though there has been so many rounds of talks and discussion between Union Ministers and *Kisan neta*.

Program for holding tractor march through various roads in Delhi on 26.1.2021 was announced by agitating farmers

26.1.2021 While the nation was celebrating Republic Day, a large number of agitating farmers came out

on tractors and started moving at will. Though route had been agreed between the agitating farmers and the police authorities, they did not confine to the agreed route and came out and started running to different places. They not only disrupted the normal life but also tried to attack the police personnel on duty. Some of them even tried to crush them under the wheels of their tractors.

A large number of agitators marched towards Red Fort. They broke the barricades and thronged the precincts of Red Fort in thousands. They climbed the rostrum where ceremony of flag hoisting is done by Prime Minister and unfurled and hoisted their own flag. Police persons were assaulted and thrown in the ditch surrounding Red Fort.

Report in electronic and print media shows the state of complete anarchy. It showed a complete lack of planning and enforcement of law and

4

order. It's a serious matter which shows incompetence on part of the respondent and the situation requires intervention of this Hon'ble Court to issue directions to remedy the situation.

Hence this petition

BSingh

IN THE HIGH COURT OF DELHI AT NEW DELHI

Writ Petition (Civil) No. of 2021

In the matter of Public Interest Litigation:

MEMO OF PARTIES


Sh. Dhananjai Jain, Age 36 years
S/o Sh. Randhir Jain
R/o Flat no. 308, Tower Y – 1, Yamuna,
D - 6 Vasant Kunj, New Delhi – 110070 ... Petitioner

Versus

1. Union of India
 through Secretary
 Ministry of Home Affairs
 South Block
 New Delhi – 110001
2. Commissioner of Police, Delhi
 Police Head Quarters,
 I.P. Marg
 New Delhi 110002

..... Respondents

New Delhi
27.1.2021


(Bhoop Singh)
Advocate for petitioner
32, Lawyers Chambers,
Supreme Court of India
New Delhi-110001

IN THE HIGH COURT OF DELHI AT NEW DELHI

Writ Petition (Civil) No. of 2021

In the matter of Public Interest Litigation:

Sh. Dhananjai Jain, Age 36 years

S/o. Sh. Randhir Jain

R/o Flat no. 308, Tower Y – 1, Yamuna,

D - 6 Vasant Kunj, New Delhi – 110070 ...

Petitioner

Versus

1. Union of India
through Secretary
Ministry of Home Affairs
South Block
New Delhi – 110001

2. Commissioner of Police, Delhi
Police Head Quarters,
I.P. Marg
New Delhi 110002

..... Respondents

Writ Petition in Public Interest

under Articles 226/227 of

The Constitution of India

For ensuring proper of Law and Order
in Delhi NCR by deploying Para
Military forces and initiating action for
dereliction of duty against respondent
no.2 and other police officers.

To,

Hon'ble Chief Justice of the High Court of Delhi

and his Lordship's companion Judges of

Hon'ble High Court of Delhi, at New Delhi

The Humble Petition of
the Petitioner above-named

MOST RESPECTFULLY SHOWETH:

1. That the petitioner is a citizen of India and is living in Delhi at the address given herein above. Petitioner as a social conscious oriented person is aghast by the unprecedented violent developments and unbecoming incidents which have taken place in various parts of Delhi on 26.1.2021 the Republic Day in the capital of India.

THE CASE IN BRIEF:

2. That recently the Parliament has enacted Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 which has invited protest from certain sections of farmers and person involved and affected with the said Act. There have been agitations on the

border of Delhi for several days, almost two months beginning on or about 26.11.2020. The agitation despite being peaceful so far was obstructing the free movement, peaceful and smooth functioning of public at large.

3. That grave and emergent situation arose in the capital of Delhi when on the Republic Day i.e 26th January 2021, Republic Day celebrations were underway. The farmer agitation, which was going on for last so many days, took a very aggravated and violent turn and the farmers reached the interiors of Delhi armed with weapons, hockey sticks, swords and other assault weapons disturbing the peace and law and order and tranquillity in the capital of Delhi city apart from demeaning the Republic Day festivity. Protestors and farmers put the entire capital to ransom and the whole life of capital was brought to stand still. It raised serious alarm and anxiety amongst the citizens and in particular those living in Delhi.

4. That on 26th January 2021, thousands of protesters reached the interiors of Delhi up to Red Fort and other crucial parts of the city in a totally un-checked and unrestrained manner. It is due to the mob having reached the Red Fort and other places and

resorted to unprecedented violence. The news reports and electronic media reveals that the mob had taken to absolute violence and the police personnel were beaten and chased away leaving the entire Red Fort under siege of the mob and protestors.

5. That it is a matter of absolute shame that the armed police of Delhi was seen in a state of utter helplessness being chased, threatened and beaten-up by the protesters and seemed to be at their mercy. Due to lack of timely decision making by the Commissioner and other highly placed officials of Delhi Police the police post at the Red Fort was abandoned by the police. Despite the police being chased away by the protesters brandishing swords and other weapons of assault the higher officials of the police did not wield appropriate force to deter and disperse the mob of protestors resulting into structure of the token of sovereignty of India namely the Red Fort being put under siege by the protesters. The national monument and national flag was humiliated by hoisting the flag of the protestors.

6. That the police personnel in the absence of permission to wield proper force were seen jumping from the walls of the Red Fort in the ditch adjacent to the entrance to Red Fort and being beaten away by the protestors and which is not expected from an armed police force.
7. That any agitation has to be on democratic and civilized lines as per rights guaranteed under the Constitution and can under no circumstances take to violence which has been witnessed in an unprecedented manner in the capital city of Delhi. Republic Day, a day of national pride was turned into a shameful day in the independent India that a group of protesters were allowed to approach the Red Fort and hoist their own flag and hit the icon of sovereignty while showing dis-respect to the national flag.
8. That this unprecedented shameful act calls for immediate Restoration of law and order by placing the law and order under the supervision and control of the army under its direct command so that any further law and order situation is not festered and decisions can be taken without being politically motivated and in the larger interest of the public. Maintaining law and order is the prime responsibility of Delhi Police; which

11

is under direct control of the Union Home Ministry; but both have miserably failed in discharge of that duty.

9. The law and order is required to be placed under army with immediate effect for the following, amongst others,

G R O U N D S

- I. BECAUSE armed police of Delhi has failed in its duty to keep its honour by protecting the token of sovereignty ;
- II. BECAUSE respondent no.2 has not taken timely decision to allow the police to wield appropriate force and allowing the mobs to gather in an unrestrained manner ;
- III. BECAUSE the protestors have hit the icon of sovereignty by hoisting their own flag instead of national flag at Red Fort;
- IV. BECAUSE the police force under respondent no.2 has abandoned the post at Red Fort and allowed symbol of the national respect and pride to be humiliated and the national sovereignty being allowed to be put under siege;

- V. BECAUSE respondent no.2 has failed to act in effective discharge of his duty and has shown himself to be thoroughly incompetent and not worthy of being continued in this post and position of pivotal importance.

The petitioner may kindly be allowed to add to the above grounds and substantiate the same from the additional material when available as the present petition is being filed under compelling circumstances.

10. That the petitioner has not earlier filed any other petition on the subject matter before this Hon'ble Court; nor has he filed any similar petition before Hon'ble Supreme Court of India or any other High Court.

P R A Y E R

Under the facts and circumstances of the case the petitioner most respectfully prays that this Hon'ble Court in public interest may graciously be pleased to issue appropriate writ, order and/or direction to :

- a) Respondents to immediately remove people squatting under the garb of *Kissan Agitation* and clear all the roads and public places after removing them;
- b) Put adequate para-military forces to protect important monuments and to ensure safety of life and property of citizens of Delhi and restore feeling of confidence and security amongst them;
- c) Remove respondent no. 2 present Commissioner of Police from his post and punish all the police officers who failed in discharging their duty. ;

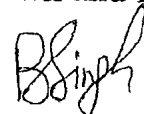
AND

- d) pass such other orders as may be deemed appropriate to the prayer made above; while issuing such other, further and consequential orders and directions as may be deemed fit and necessary.

New Delhi

26.1.2021

Drawn and filed by



(Bhoop Singh)

Advocate for petitioner

IN THE HIGH COURT OF DELHI AT NEW DELHI

Writ Petition (Civil) No. of 2021

In the matter of Public Interest Litigation:

Sh. Dhananjai Jain, Petitioner

Versus

Union of India & Anr. Respondents

AFFIDAVIT

I, Dhananjai Jain S/o Sh. Randhir Jain age 36 years R/o Flat – 308, Tower Y-1, Yamuna Apartments Complex, D-6, Vasant Kunj, New Delhi -110070 do hereby solemnly affirm and state as under :

1. That I am petitioner in the above-noted matter and well conversant with the facts and circumstances of the present case and competent to swear this affidavit.
2. That the contents of paragraphs 1 to 8 and 10 of the accompanying writ petition are true to my knowledge and the contents of paragraph no. 9 are based on legal advice which I believe to be true. No material has been concealed and no part is false.

The contents of this affidavit have been explained to me in vernacular.

Deponent

VERIFICATION

Verified at New Delhi on this 27th of January 2021 by me the above-named deponent that statements made in para nos. 1 and 2 of above affidavit are true to my knowledge.

Deponent



ATTESTED
NOTARY PUBLIC

27 JAN 2021

Identify the Deponent who has
Signed/Put T.I. in my Presence.

GOVERNMENT OF NCT OF DELHI
e-Court Fee

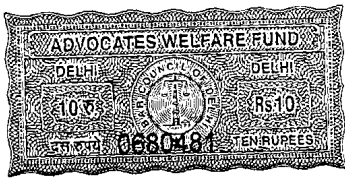


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Writ Petition (Civil) No. of 2021

16

VAKALATNAMA

Sh. Dhananjai Jain,

.....

Petitioner

Versus

Union of India & Anr.

.....

Respondents

I, Dhananjai Jain s/o Randhu Jain R/o Y-1, 308, Yamuna Apartments,
Vasant Kunj New Delhi - 110070
above named petitioner do hereby appoint and retain

Randhu Jain

Dhananjai Jain, Ruchika Agarwal, Bhoop Singh,

Naveen Rai Advocates

32, Lawyers' Chambers, Supreme Court of India, New Delhi- 110 001

to act and appear for me/us in the above suit/ petition/ appeal and on my/ our behalf to conduct and prosecute the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including the taxation and application for review. To file and obtain return of documents, and to deposit and receive money on my/our behalf in the above suit/petition/ appeal and in application for review, and represent me/us and to take all necessary steps on my/our behalf in the above matter, I/we agree to ratify all acts done by the aforesaid Advocates in pursuance of this authority.

Dated this the 27 Day of Jan 2021

Certified, Accepted. & Identified


(Dhananjai Jain, Bhoop Singh Naveen Rai)
Advocates

D-120/73

D- 1854/08

D/1988/2012 D/9876/2019


Petitioner



The address for the service of said advocates

32, Lawyers Chamber
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New Delhi - 110 001
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From: Dhananjai.ProJuris<projuris@rediffmail.com>**To:** "mohammedmuqem"<mohammedmuqem@gmail.com>,"standingcounselgnctd"<standingcounselgnctd@gmail.com>**Subject:** Writ petition -DHANANJAI JAIN VS. UOI**Date:** Wed, 27 Jan 2021 13:14:01 IST

Please find attached copy of the petition .
Warm regards,

Dhananjai Jain,
Advocate-on-Record, Supreme Court
Projuris Legal
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Respondents are served by e-mail.

R-1 - Mohd. Muqem - Mob - 999986 4964

R-2. Bhawang kataria's Adv. Mob - 8588 0892 72