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

+ W.P.(C) 11481/2024, CM APPL. 47675/2024

DR. SUBRAMANIAN SWAMY

.....Petitioner

Through: In person with Mr. Satya Sabharwal,  
Advocate.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Chetan Sharma, ASG with  
Mr. Apoorv Kurup, CGSC with  
Mr. Amit Gupta, Mr. Vinay Yadav,  
Mr. Saurabh Tripathi,  
Mr. Vikramaditya Singh,  
Mr. Shubham Sharma and Mr. Arnav  
Mittal, Advocates for UOI.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**20.08.2024**

1. Dr. Subramanian Swamy, the Petitioner has invoked Article 226 of the Constitution of India, 1950, seeking *inter-alia* a writ of mandamus/ appropriate directions to Respondent No. 1 - Union of India<sup>1</sup> to furnish a status report on the complaints/ representations dated 21<sup>st</sup> September, 2017, 20<sup>th</sup> November, 2023 and 12<sup>th</sup> August, 2024 filed by the Petitioner against Respondent No. 2 – Mr. Rahul Gandhi.

2. Dr. Swamy places reliance on a communication dated 29<sup>th</sup> April, 2019 issued by Ministry of Home Affairs (Foreigners Division), Government of



India, to urge that the complaint made by him against Mr. Gandhi was acknowledged by the Foreigners Division and consequently, Mr. Gandhi was called upon to furnish his response to the same. He urges that since then there has been no progress or intimation regarding the outcome of his complaint.

3. Regardless, for this Court to exercise writ jurisdiction under Article 226 of the Constitution of India, the Petitioner must demonstrate that they have an enforceable constitutional right against the Respondents. The Court is unable to ascertain any such right from the facts presented. Dr. Swamy states that through the present writ petition, he is espousing a cause which has public interest.

4. In view of the above, the matter be listed before the Roster Bench dealing with public interest litigation. It is made clear that this Court has not made any comments on the merits of the case or whether there is any element of public interest involved in the present proceedings.

5. Accordingly, subject to orders of Hon'ble the Acting Chief Justice, list this matter before the Roster Bench on 26<sup>th</sup> September, 2024.

**SANJEEV NARULA, J**

**AUGUST 20, 2024**

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<sup>1</sup> "UOI"