

ITEM NO.13

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.754/2016

TEHSEEN S. POONAWALLA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH W.P.(C) No.764/2016

(With appln.(s) for exemption from filing O.T.)

W.P.(C) No.768/2016

Date : 21-07-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Anas Tanvir, Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Pushkar Sharma, Adv.
Mr. Abdul Qadir, Adv.

For Respondent(s) Mr. Ranjit Kumar, SG
Mr. P.S. Narasimha, ASG
Ms. V. Mohana, Sr. Adv.
Ms. Binu Tamta, Adv.
Ms. Rukhmini Bobde, Adv.
Mr. Raj Bahadur, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Parikshit P. Angadi, Adv.
Mr. Prakash Jadhav, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. Arpit Rai, Adv.
Ms. Deepa Kulkarni, Adv.

Mr. Rohit K. Singh, AOR

Mr. Tapesh Kumar Singh, AOR
Mohd. Waqas, Adv.
Mr. Aditya Pratap Singh, Adv.

Mr. B. Krishna Prasad, AOR

Mr. Hemantika Wahi, AOR
Ms. Puja Singh, Adv.
Ms. Mamta Singh, Adv.
Mr. Shodhika Sharma, Adv.

Mr. Shreekant N. Terdal, AOR

Mr. Subodh S. Patil, AOR

Mr. Sidharth Luthra, Sr. Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Santosh Kumar, Adv.
Ms. Ankita Chaudhary, Adv.
Ms. Radhika Sharma, Adv.

Mr. Yatindra Singh, Sr. Adv.
Ms. Rashmi Singhania, Adv.

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Ankit Raj, Adv.

Mr. D.K. Singh, AAG
Mr. Saurav Agrawal, Adv.
Ms. Komal Mundra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. No...../2016 in Writ Petition (C) 754/2016

This is an application to delete the respondent No.2, the Ministry of Agriculture & Family Welfare, from the array of parties.

Regard being had to the averments made, the prayer is allowed and the respondent No.2 is deleted from the array of parties.

The interlocutory application stands disposed of.

Writ Petition (Civil) No.754/2016

In this writ petition preferred under Article 32 of the Constitution, the petitioner, who claims to be a public spirited person, has prayed for issue of a writ of mandamus commanding the respondent-State Governments to take immediate and necessary action against the 'cow protection groups' indulging in violence and further issue a writ or direction to remove the violent content from the social media uploaded and hosted by these 'cow protection groups'. As far as the third prayer is concerned, that shall not be dealt with by today's order.

As far as the first prayer is concerned, on being asked, it is submitted by Mr. Ranjit Kumar, learned Solicitor General appearing for the Union of India that the controversy relates to the States, law and order being a State subject. He further submits that the Union of India does not support the activities of the vigilantes.

Ms. Hemantika Wahi, learned Standing Counsel for the State of Gujarat echoing the aforesaid submission contends that certain persons who were engaged in this kind of activity, especially the incident that has been referred to in the writ petition, have been booked for relevant offences and appropriate police action is taken against them. Mr. Tapesh Kumar Singh, learned counsel for the State of Jharkhand submits that appropriate legal action has been taken and the criminal cases have been instituted against the persons who have taken law unto their hands.

At this juncture, it is submitted by Mr. Sanjay R. Hegde, learned senior counsel appearing for the petitioner that the Union of India and the State Governments should file their respective affidavits. Mr. Ranjit Kumar, learned Solicitor General and the other learned counsel appearing for

the States pray for four weeks' time to file counter affidavit. Needless to say, the counter affidavit shall also refer to the incidents, if any, referred to in the writ petitions.

As far as the prayer No.2 is concerned, Mr. Ranjit Kumar, learned Solicitor General and the learned counsel appearing for the various States shall assist the Court as to how the activities of the vigilantes can be absolutely curtailed and suggest ways and methods to work out the same.

List the matter on 6th September, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master