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NEETU BAJAJ & ANR VS STATE OF HARYANA & ORS

Present: Mr. Vishal Garg, Advocate,
for the petitioners.

Mr. Deepak Sabherwal, Additional Advocate General, Haryana.

Mr. Abhinav Sood, Advocate, for U.T. Administration.

This writ petition has been filed by two residents of District Panchkula highlighting the aspect of inconvenience being caused to the daily commuters from Panchkula to Chandigarh because of a *Dharna* being pitched on the main road connecting the city Panchkula with Chandigarh through the Housing Board Intersection. It has been stated in the petition that the road blockade is not only causing inconvenience to the residents but creating lot of problems for the plying of ambulances, school buses and other vehicles apart from finding difficult for even the pedestrian to move from one place to the other. It has also been stated that because of the said blockade, there is extra rush on the other ancillary and capillary roads which connect Panchkula with Chandigarh. Most of the people commuting to work on daily basis to Chandigarh are finding it difficult to reach their offices and places of work on time leading to suffrage not only at the end of the commuters but also at the end of beneficiaries of the services provided by such residents of Panchkula working in Chandigarh. One of the petitioners is a doctor by profession and has highlighted the said aspect that the patients are suffering because of such delays happening because of the blockade.

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Learned counsel for the Chandigarh Administration has informed the Court that Section 144 of Code of Criminal Procedure, 1973, has been imposed in Chandigarh and all necessary steps and precautions are being taken by the Chandigarh Administration for facing any exigency which may arise because of the action or inaction at the hands of respondents to the writ petition as also the protesters/Haryana Sarpanches Association which is sitting on *Dharna* blocking the road since 01.03.2023.

Learned Additional Advocate General, Haryana, has brought to the notice of the Court the efforts being made by the respondents – Administration to remove the blockade which has been caused by the protesting Sarpanches and Panches of various villages of Haryana State, who have pitched their tents on the road connecting Chandigarh to Panchkula meeting at Housing Board Intersection. Sections 133 and 144 of the Code of Criminal Procedure, 1973, have also been invoked and orders have been passed in this regard. FIR No.77 dated 01.03.2023 stands registered under Sections 147, 148, 149, 186, 188, 283, 323, 333 and 353 of the Indian Penal Code, at Police Station Sector 14, Panchakula, against the persons who are the sitting at *Dharna*. He, however, states that as of now, no action against the said persons has been taken by the authorities. Efforts are being made for amicably resolving the impasse and in fact, on the efforts made at the end of the authorities, one side of the road has been cleared allowing the commuters ingress and outgress from Chandigarh as well as Panchkula side. There is an admission on the part of the State of Haryana that one of the sides of the road is still blocked and the tents pitched therein. It has also been brought to the notice of the Court that the Hon'ble Chief Minister has given time to meet the

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agitators on 09.03.2023. An assurance and undertaking has been given by the Haryana Sarpanches Association that they and their supporters will not disrupt the road from Chandigarh Housing Board Intersection to Panchkula Sector 7 and also that the protest would be peaceful and the general public will not be put to any harassment. On the basis of this assurance which has been received from the Haryana Sarpanches Association, counsel for the State has sought time for amicably resolving the issue especially in the light of the fact that the Haryana Sarpanches Association has been made aware of the specific site for carrying out *Dharna*, where as of now the Haryana Sarpanches Association has not agreed to shift from the present spot.

The steps as have been taken by the respondents – Administration to the extent that they have opened one side of the road itself would not be enough as such, an impasse should not have been allowed to take place at the first place. Leniency and refrain to the extent which does not put the general public to peril and inconvenience is understandable. But when associations and organizations and even people at large get together to block any public road, Administration should take immediate steps to not let such a thing to happen which in our considered view, the authorities, in the present case, have failed to take note of leading to the situation which we are faced with. Protest by the unions/associations or people is permitted but at the places which have been earmarked for the same. This does not give them a licence to put the general public to inconvenience and cause not only difficulty for the people at large but virtually harassing them in a way leading to putting pressure and forcing the Government to accept their demands. Each citizen has a right to commute and especially when they are going to perform their duties, whether

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it be students who are studying, doctors going to hospitals/clinics, teachers going to the schools/colleges and even Government employees going to the offices to perform their duties as have been cast upon them in accordance with law. Permitting law to be taken in hand by a few people is not acceptable.

The efforts as have been made by the respondents – Administration to amicably resolve the impasse is appreciated but it cannot be permitted for all times to come. Going by the undertaking which has been given by the Haryana Sarpanches Association, it appears that one side of the road would be blocked at least till 09.03.2023 because it is on that date, the Hon'ble Chief Minister would be able to meet them. Further, it cannot be assumed as to what would be the outcome of such meeting between the protesters and the Hon'ble Chief Minister. If the undertaking as has been given by the Haryana Sarpanches Association is accepted, that would virtually be giving free hand to them to continue blocking one side of the road which cannot be permitted.

In *Amit Sahni Vs. Commissioner of Police & Ors.*, reported as 2020 SCC online SC 808, it has been held as under by Hon'ble the Supreme Court:-

“19. We have, thus, no hesitation in concluding that such kind of occupation of public ways, whether at the site in question or anywhere else for protests is not acceptable and the administration ought to take action to keep the areas clear of encroachments or obstructions.”

We, therefore, are forced to pass an order that the respondent authorities shall see to it that the road is cleared of all blockades and

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obstructions so that there is no impediment or difficulty in movement of the traffic on any of the roads leading to Chandigarh from Panchkula and vice-versa. We leave it open to the respondents to take steps as permissible in law for removal of the illegal occupants of the road. The said clearance of the road should come into effect by 10:00 PM today positively.

The compliance report be submitted to this Court on **06.03.2023**.

In case the orders are not complied with, the Deputy Commissioner, Panchkula and the Commissioner of Police, Panchkula shall be present in Court on the date fixed to explain the non-compliance of the orders passed by this Court.

Copy of this order be given **dasti** to the counsel for the parties under the signatures of the Bench Secretary of this Court.

Sd/-
(AUGUSTINE GEORGE MASHI)
JUDGE

04.03.2023

harish

Sd/-
(VIKRAM AGGARWAL)
JUDGE

for record 4/3/23
Special Secretary
Punjab and Haryana High Court
Chandigarh