

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

I.A. NO. \_\_\_\_\_ OF 2020

IN

W.P. C 1118/2020

IN THE MATTER OF:-

RAKESH VAISHNAV

....

PETITIONER

VERSUS

UNION OF INDIAN & ORS.

....

RESPONDENTS

AND IN THE MATTER

OF:- UNION OF INDIA

.....

APPLICANT

through DELHI POLICE

**APPLICATION FOR APPROPRIATE DIRECTIONS**

**DATED 11.01.2021**

To,

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION HON'BLE JUDGES OF  
HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE APPLICATION OF THE  
APPLICANT ABOVE NAMED

**MOST RESEPECTFULLY SHOWETH:**

1. The Applicant, Union of India, is filing this interim application in order to bring on record certain new facts which necessitate the filing of the present application seeking an injunction against the proposed *tractor/trolley/vehicle march* or any other kind of protest seeking to disrupt the august gathering and celebrations of the nation on Republic Day – 26.01.2021.

2. It is submitted that it has come to the knowledge of the security agencies through various sources that the small group of protesting individuals/organisations have planned to carry out a *tractor/trolley/vehicle march* on Republic Day. It is submitted that the proposed march is slated to disturb and disrupt the august celebrations of nation on Republic Day and would be bound to create a massive law and order situation. It is submitted that as this Hon'ble Court is aware, the security apparatus, is heightened during such national celebrations due to very vital significance of this occasion. It is submitted that the said proposed *march/protest* seeks to disrupt and disturb such celebrations which is bound to create a serious law and order situation and will cause an embarrassment to the nation. A copy of the photos which are available in public domain of such marches previously held are attached herewith and marked as **Annexure A - 1**.

3. It is submitted that right to protest is always subject to the countervailing public order and the public interest. The right to protest can never include maligning the nation globally. It is submitted that few days back, the organisations / individuals protesting at various entry points of Delhi have conducted a tractor / trolley march. The said fact was brought to the notice of police authorities and, therefore, the authorities have earmarked the route where such protest march can take place. This fact is pointed out to satisfy this Hon'ble Court that while the security agencies and police department would do everything possible to avert and prevent any

law and order situation, the peaceful protest has always been permitted recognizing the same as fundamental right.

4. This Hon'ble Court is the highest court of the country and has extraordinary constitutional and plenary powers. This Hon'ble Court is already seized of the questions both on the validity of the laws and on-going protest. This Hon'ble Court has the jurisdiction to pass an injunction restraining any such protest march either on tractor / trolley / vehicles or in any other mode to enter the National Capital Region territory of Delhi on 26th January, 2021. If on any other day, such an event takes place, the statutory functionaries can always exercise its statutory powers and discharge their duty of maintaining law and order. However, as this Hon'ble Court is seized of the issues, it is constitutionally imperative that this Hon'ble Court be pleased to pass an appropriate prohibitory order.

5. Therefore, it is requested that this Hon'ble Court be pleased to pass an order of injunction restraining anyone to conduct any protest march either in the form of tractor march, trolley march, vehicle march or any other mode into the National Capital Region territory of Delhi on 26th January, 2021.

6. It is submitted that despite the above referred efforts, the following routes leading to NCR territory of Delhi are fully blocked:

- a. Palla check Post
- b. Singhu Border – NH 1
- c. Tikri Border – NH 10
- d. Dhansa Border

- e. Sakoli Border
- f. Jai Singhpur Khera [along the highway] – NH 48
- g. Atohan Palwal [along the Highway] – NH 2

The following entry points into the NCR Delhi are partly blocked:

- a. Ghazipur Border – NH 24
- b. Chilla Border
- c. AMSani Cut to Jaipur – NH 48
- d. Shargwadi NH48

**7.** It is submitted that the Republic day function on 26.1.2021 each year has its own constitutional as well as historical significance. The 26th January Republic Day ceremony is not an isolated standalone ceremony rather a grand rehearsal takes place on 23rd January where everything which is to happen on 26th January of each year is rehearsed.

**8.** On 28th January, 2021, there is a ceremonial function called NCC Rally attended by constitutional functionaries and large number of NCC Cadets from all over India. The republic day function and on 29th January [each year], a function called “*Beating the Retreat*” and ultimately completes on 30th January with the observation of “Martyrs Day” and ceremonial functions associated therewith. Any disruption or obstruction in the said functions would not only be against the law and order, public order, public interest but would also be a huge embarrassment for the nation.

**9.** It is submitted the Applicant is filing the present Application bona fide and in the interest of the justice.

**PRAYER**

- A. This Hon'ble Court be pleased to pass an order of injunction restraining anyone to conduct any protest march either in the form of tractor march, trolley march, vehicle march or any other mode [or any protest in any form] by entering into the National Capital Region Territory of Delhi;
- B. Grant any other relief that this Hon'ble court may deem fit in the present facts and circumstances.

MR. RAJ BAHADUR  
ADVOCATE FOR THE APPLICANT

NEW DELHI  
DATE: - 11.01.2021