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

+ W.P.(CRL) 1024/2021

DHARMENDRA KUMAR, ADVOCATE Petitioner
Through Mr. Yogesh Gaur, Mr. Darshan,
Mr. Amar Phogat, Mr. Satish
Kumar Paanchal, Mr. Sanjeev
Chopra, Mr. Vinod Dahiya, Md.
Azam Ansari, Mohd. Mustafa, Md.
Ashfaque Ansari and Mr.
Dharmendra Kumar, Advs.

versus

STATE OF NCT OF DELHI & ORS Respondent
Through Mr. Rajesh Mahajan, ASC for
State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **25.05.2021**

The hearing has been conducted through video conferencing.

CRL.M.A. 8091/2021 (exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL. M.A. 8093/2021 (exemption)

3. Application is allowed with direction to file attested affidavit within four weeks of courts resuming normal functioning.
4. Application is disposed of.

W.P.(CRL) 1024/2021 & CRL.M.A. 8092/2021 (for directions)

5. The present writ petition has been filed by the petitioner under

Article 226 of the Constitution of India seeking the following prayer:

“

(a) *Issue a writ of mandamus directing the respondents 1,3,4,5 & 6 to comply the curfew order dated 19.04.2021 with respect to exemptions granted therein in letter and spirit and not to insist / demand for productions of e-pass from the petitioner advocate / other advocates for movement in curfew period, contrary to the aforesaid order dated 19.04.2021 which mandates e-pass only for two categories of personnel laid down in para 4 (l) & 4 (m).*

(b) *Direct the commissioner of Police and SHO PS Dwarka North being respondent nos. 3 and 5 respectively to take appropriate legal and departmental actions against the respondent no. 6 for violating the curfew orders dated 19.04.2021 as well as insisting and humiliating an advocate of this Hon'ble Court by the respondent no.6 Sub Inspector Seema.*

(c) *Pass an appropriate order / direction to respondent no.6 as well, so that she does not violate the order with impunity henceforth, being a member of enforcement agency which is unfortunate.*

(d) *Pass such order(s) as is deemed fit and proper in the facts and circumstances of this case and in the interests of justice.”*

6. Notice issued.

7. Learned ASC for State accepts notice on behalf of the respondents and submits that vide instructions No.F/02/07/2020/S.1/pt.file-II/382 dated 19.04.2021 issued by Delhi Disaster Management Authority, Govt of NCT of Delhi, the movement of advocates is allowed during the curfew on production of valid ID Card which is reproduced as under:

“I am directed to refer Delhi Disaster Management Authority (DDMA) Order No. 381 dated 19.04.2021,

wherein in para 4(c) it has been stated that all Judicial officers/officials /staff members of all courts of Delhi (Hon'ble Supreme Court of India Hon'ble High Court of Delhi / District Courts/ Tribunals) are exempted from the restriction of movement during curfew, on production of valid I card/ Service ID Card/Photo Entry Passes/Permission Letters issued by the court administration.

In this regard, it is further clarified that the Advocates/Legal Counsels connected with the case hearings of Hon'ble Supreme Court of India/Hon'ble High Court of Delhi & District Courts of Delhi are also included under the aforesaid exemption and therefore, their movement will be permitted on production of valid I card / Service ID Card/ Photo Entry Passes/ Permission Letters issued by the court administration in NCT of Delhi during Curfew period.”

8. Mr.Mahajan, learned ASC further submits that on production of the I-card of the Bar, any advocate will not be stopped by any police official and any officer comes under the State Government. Therefore, the present petition may be disposed of by clarifying this position.

9. Keeping in view the instructions dated 19.04.2021 mentioned above, I hereby make it clear that any authority whosoever shall not stop any advocate in NCT of Delhi if he or she produces the Bar identity card or any proof of his/her being an advocate.

10. I hereby make it clear that no officer of any authority shall humiliate any of the Advocates on production of the Bar identity card or other proof, failing which strict action shall be taken against the erring officer as per law.

11. Counsel for petitioner just to give quietus to the issue raised in the present petition does not press the other prayers made in the present petition.

12. In view of the above, the petition is disposed of.

13. Pending application also stands disposed of.

14. Copy of this order be communicated to the Commissioner of Police, Delhi who shall convey the same to the concerned DCPs and in turn, all officers of the Delhi police for compliance.

SURESH KUMAR KAIT, J

MAY 25, 2021/rk