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

Date of decision: 24th December, 2019

+ W.P.(C) 13853/2019 and CM Nos.55625-55626/2019

SFLC.IN

..... Petitioner

Through: Mr. Jayant K. Mehta, Mr. Bhuvan Mishra, Mr. Prashant Sugathan and Mr. Basil Ajith, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Sanjay Jain and Ms. Maninder Acharya, ASGs with Mr. Anurag Ahluwalia, Mr. Jasmeet Singh, CGSCs, Mr. Yuvraj Sharma and Mr. Abhigyan Siddhant, Advs. for R-1/UOI
Mr. Sanjoy Ghose, ASC-GNCTD with
Mr. Rhishabh Jetley and Ms. Urvi Mohan, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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24.12.2019

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM Nos. 55625-55626/2019 (exemptions)

1. Allowed subject to all just exceptions.
2. The applications are disposed of.

W.P.(C) 13853/2019

1. This Public Interest Litigation has been preferred with the following prayers :

“a. Issue a writ in the nature of certiorari setting aside the directions contained in the Communication dated 18.12.2019 issued by Respondent No. 3 bearing No. No. 876 SO/DCP/Special Cell and any Communication halting the services thereafter;

b. Issue a writ in the nature of mandamus to the Respondent No. 3 not to issue any order suspending telecommunication services as the Respondent No. 3 does not have the authority to issue such orders; and

c. Issue an order declaring that only the competent personnel as authorised by the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 shall issue orders to suspend telecommunication services;

d. Issue a writ in the nature of mandamus directing the respondents to follow the provisions of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 while issuing orders suspending Telecommunication services and to issue such orders only when there is an immediate threat to public safety;

e. Issue a writ in the nature of mandamus directing the Respondents to inform the public in advance before suspending telecommunication services;

f. Pass such and further order(s) that the Hon'ble Court may deem fit in the facts and circumstances of the case.”

2. Having heard the learned counsel for the petitioner and the learned Additional Solicitor General appearing for Respondent No. 1/Union of India, it appears that several grievances have been ventilated by this petitioner against the executive direction dated 18th December, 2019 issued by the respondents annexed as Annexure D to the memo of this writ petition.

3. It appears that the telecommunication services were put to a halt for four hours i.e. from 9.00 a.m. to 1.00 p.m. in different parts of the Union Territory of Delhi on 19th December, 2019.

4. Thus, it appears from the communication dated 18th December, 2019 that voice services, SMS services and internet services were put to halt for a temporary period of four hours. As per the learned Additional Solicitor General appearing for Respondent No. 1/Union of India, in issuing aforesaid executive directions dated 18th December, 2019, there is no procedural lacunae nor there is any violation of the temporary suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 (hereinafter referred to as “the Rules, 2017”) which are enacted under Section 7 of Indian Telegraph Act, 1885.

5. Thus, we see no reason to entertain this writ petition mainly for the reason that the telecommunication services were put to a halt only for a temporary period of four hours on 19th December, 2019 in between 9.00 a.m. and 1.00 p.m. It is highly disputed by the respondents that there was any violation of the Rules of 2017.

6. Thus, if any person is aggrieved by the executive direction dated 18th December, 2019 of the Deputy Commissioner, Special Cell, New Delhi, he can always file his own writ petition or a suit for damages in accordance with law. In a Public Interest Litigation, we see no reason to enter into the

facts of the individual case especially when the temporary period of halting the telecommunication services is over.

7. Writ is a prerogative power of this court and hence in view of the aforesaid facts, we see no reason to exercise our powers under Article 226 of the Constitution of India.

8. For the aforesaid reason, there is no substance in this writ petition and the same is hereby dismissed.



CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 24, 2019/kr

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