

CIVIL WRIT PETITION-PIL-NO-91-2022

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Randeep Tanwar Vs. State of Haryana and others

Present: Mr. Padamkant Dwivedi, Advocate,
for the petitioner.

This writ petition has been preferred by an Advocate, who is practicing in this Court, highlighting the aspect that National Highway No.44 is being blocked by deploying tractor trolleys and other vehicles, apart from erecting tents in the middle of the road, resulting in traffic jam thereon. This blockade has been resorted to by a group of Bhartiya Kisan Union, which is led by Sh.Gurnam Singh Chaduni, who is President of the said Union. Initially there were few members of the Union, who had started it but with the passage of time, the Members and other farmers have gathered there with the strength now reaching 400 to 500 people and 75-80 tractors and other vehicles have also reached the site. It needs to be added here that the National Highway cannot be blocked by the agitators, which is totally illegal, as has been held by various Courts including Hon'ble Supreme Court wherein it has clearly said that the movement on the National Highways cannot be restricted, what to say of blockade, causing inconvenience to the public. The Hon'ble Supreme Court in Writ Petition (Civil) No.249 of 2021 (Monicca Agarwaal Vs.Union of India and another), vide its order dated 23.08.2021, has observed as under:-

“We impressed upon the learned Solicitor General that the solution lies in the hands of Union of India and the concerned State Governments and they must coordinate to ensure that if

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the protests are on, at least the Inter-State roads and National Highways are not blocked in any manner whatsoever so that to and fro on those roads does not cause great inconvenience to the other persons who use those roads.”

Further 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.”

He contends that infact, these people, by doing so, have put the general public to discomfort. Lot of people are travelling and making use of the National Highways and by blocking the same, it will not only effect the free movement of the traffic but also leads to harassment to the public at large and also the economy of the country as the transport vehicles carrying various goods and eatables have to stop, leading to goods stored therein being damaged and destroyed and apart from this, the patients may also be unable to move, which can lead to loss of life. Citizens, who have a basic right for movement without any hindrance throughout the country, cannot be restricted and hampered at the behest of some people, which act is against the interest of the public. Even the statute does not permit such type of blockade on the National Highways. Reference in this regard can be made to the provisions of the National Highway Authority of India Act, 1956.

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On this aspect, counsel for the petitioner has asserted that the National Highway No.44, which has been blocked by the members of the Bhartiya Kisan Union (Chaduni Group) at Shahbad, Kurukshetra, which has now resulted in the traffic jam reaching on both sides of that place starting beyond Kurukshetra on one side and ahead of Ambala on the other cannot be permitted to continue. This National Highway is a life line, which connects the National Capital not only with the State of Haryana but also Punjab, Jammu and Kashmir, Himachal and U.T. Chandigarh. Thus, by doing so, they are putting people, who would travel on this road going to various destinations without there being any prior intimation, to inconvenience, especially when it is a weekend and people tend to move from their work places to their native places. It has been submitted that there are designated places/sites for carrying out dharnas to show resentment and protest.

Keeping this in view, we are of the considered view that the said impasse cannot be permitted to sustain and the District Administration should have immediately taken steps that such a thing should not have happened, which has led to a situation where the National Highway has been blocked and such illegal activities cannot be permitted.

Notice of motion for **26.09.2022**.

The learned Advocate General, Haryana, had been informed that a petition is being filed as a mention thereof was made and, therefore, Mr. Deepak Balyan, Additional Advocate General, Haryana, has come present and accepts notice on behalf of the respondents.

Direction is issued to the respondents to ensure that the National Highway No.44 is kept open for free flow and movement of traffic

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without any hindrance so that the public at large is not put to inconvenience. The cause, which has led to such a situation, be sorted out so that there is no further deterioration in the law and order situation. This direction of ours need to be given effect to forthwith. However, a word of caution need to be added here that the matter preferably needs to be resolved amicably. Resort to use of force should be as a last option and that too unless the Administration has no other way out.

At this stage, since it is asserted in the writ petition that the said blockade has been carried out and sponsored by Bhartiya Kisan Union (Chaduni Group), Village Chaduni, District Kurukshetra, through its President Sh.Gurnam Singh Chaduni, hence needs to be impleaded as respondent No.6 in the writ petition. Ordered accordingly. Registry to carry out the necessary addition in the memo of parties.

The newly added respondent No.6 be served through dasti process by the official respondents for the date fixed.

Let the Chief Secretary to Government of Haryana (respondent No.1) submit the steps taken and report in pursuance of the above directions as also the latest status report on the date fixed.

Copy of the order be given dasti under the signatures of Bench Secretary to counsel for the petitioner as well as learned Additional Advocate General, Haryana, for information and compliance.

(AUGUSTINE GEORGE MASHI)
JUDGE

(ALOK JAIN)
JUDGE

23.09.2022
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