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ITEM NO.9

COURT NO.11

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 211 OF 2010

JASWANT & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and directions and intervention and impleadment as petitioner and placing addl.documents on record)

Date: 31/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr.Colin Gonsalves, Sr.Adv.
Ms.Ritu Kumar, Adv.
Ms.Jyoti Mendiratta,Adv.

For Respondent(s) Mr.H.S.Hooda, Advocate General
Mr.P.N.Mishra, Sr.Adv.
Mr.Manjit Singh, AAG
Mr.Tarjeet Singh, Adv.
Mr.S.Mishra, Adv.
Mr. Kamal Mohan Gupta,Adv.

UPON hearing counsel the Court made the following
O R D E R

While hearing the case on the additional affidavit and second supplementary affidavit filed on behalf of the petitioners, we noticed that the Commission appointed by the State Government to enquire into the incident which occurred in village Mirchpur of District Hissar issued warrant of arrest against one Satyawan son of Roshan Lal, Balmiki, resident of Mirchpur under Order XVI Rule 10.

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In reply to the Court's query, the learned Advocate General, State of Haryana submitted that the warrant must have been issued by the Commission after satisfying itself that provisions of Order XVI Rule 10 have been fully complied with.

With a view to ascertain whether the warrant of arrest was issued against Satyawan after complying with the said provisions,

we direct the Registrar-cum-Secretary of the Commission of Enquiry with headquarter at Chandigarh to file an affidavit within three weeks detailing the procedure adopted by the Commission before the warrant of arrest was issued.

The documents filed with the second supplementary affidavit also disclose that the rail route from Jind to Ferozepur, Delhi etc. was disrupted by a group of people. According to the learned Advocate General, there was peaceful dharna by members of various communities which resulted in disruption of rail traffic for 11 days.

Let notice be issued to the Union of India through Secretary, Railway Board. Shri A.K.Sharma, learned counsel accepts notice on behalf of the Railway Board. The General Manager, Northern Railway is directed to instruct a senior officer to file affidavit detailing the loss suffered by the railways on account of disruption of traffic on the route in question for 11 days. The required affidavit be filed within three weeks.

The Chief Secretary, State of Haryana should also file an affidavit giving the details of the loss suffered by the State on
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account of dharna which resulted in disruption of road and rail traffic for 11 days. The Chief Secretary should also give the details of steps taken by the State Government for ensuring that nobody is able to obstruct the free flow of traffic on the roads and rails.

List on 21.02.2011.

Copy of the order be given dasti by today itself.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master