
(2017) 07 SC CK 0040
In the Supreme Court Of India
Case No : ?W.P.(C) No 516 of 2017

P.D. RAI

APPELLANT

Vs

UNION OF INDIA & ORS.

RESPONDENT

Date of Decision : 14-07-2017

Acts Referred:

Citation : (2017) 07 SC CK 0040

Hon'ble Judges : Dipak Misra, J;A.M. Khanwilkar, J;Mohan M. Shantanagoudar, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. Mr. A.K. Ganguli, learned senior counsel being assisted by Ms. Aruna Mathur, learned counsel appearing for the petitioners makes an oral prayer to delete the names of the petitioner Nos.1 and 2. The oral prayer is accepted. After deletion of the said names, the name of the petitioner that survives in the writ petition is the State of Sikkim through the Chief Secretary, Government of Sikkim. The cause title be rectified accordingly.

2. The present writ petition has been filed by the State of Sikkim for issue of a writ or direction in the nature of mandamus directing the State of West Bengal and the Director General of Police of State of West Bengal that the National Highway No.31A (now NH 10) is kept free for vehicular movement of passengers and goods to and from Sikkim so that safety of the vehicles and passengers is ensured. The further prayer is to issue a direction to ensure that National Highway 31A (now NH 10) from Siliguri to Sikkim is not blocked and vehicular movement from and to Sikkim is not blocked by anyone. Additionally, it has been prayed for issue of a writ of mandamus directing the State of West Bengal and the Union of India to ensure that Sikkim bound transport vehicles carrying food grains from FCI godowns and those vehicles carrying food grains and other essential items and vegetables from markets in and around Siliguri and oil tankers carrying petroleum products and trucks carrying LPG are not prevented from transporting them to Sikkim and adequate security be provided for the same.

3. Though the matter is listed for the first time, Mr. K.K. Venugopal, learned Attorney General for India, being assisted by Mr. R. Balasubramaniam, learned counsel for the Union of India has filed a written note of submissions prepared by the Ministry of Home Affairs. We think it appropriate to reproduce the relevant parts of the written note, which, inter alia, read as under:-

"1. The responsibility of maintenance of law and order and ensuring for free movement of food grains on the National Highways in order to ensure supply of essential commodities vests with the State Government.

2. The Central Government has provided Central Para-military Forces to assist the State Govt. (as on date 11 companies have been deployed with the State Government in Darjeeling/Kalinpong districts for handling law and order. This is to support the police forces and the State Armed Police forces.

3. To improve the situation, the Central Government has taken up the matter with the Chief Secretary, Government of West Bengal to ensure that supply lines to Sikkim are not disrupted by the protests affecting the movement of essential goods to Sikkim.

4. Defence Secretary has been requested to instruct formations in the area to facilitate the movement of vehicles carrying petroleum products and other commodities through army convoys.

5. The Central Government has requested Secretary, Ministry of Petroleum and Natural Gas to ensure supply and maintenance of adequate stock of petroleum products in Sikkim.

6. The Central Government further requested M.D., National Agricultural Cooperative Marketing Federation of India Limited (NAFED) to ensure supply and maintenance of adequate stock of food grains and other essential food commodities in Sikkim."

4. In the course of argument, it is submitted by Mr. Venugopal that the High Court of Calcutta has directed for addition of four companies to the eleven companies that have been deployed to the West Bengal Government for maintaining peace in Darjeeling and Kalimpong Districts so that there is free flow of traffic to Sikkim and maintenance of law and order and sustenance of peace in the areas in question.

5. Mr. Kapil Sibal and Mr. Rakesh Diwevedi, learned senior counsel being assisted by Mr. Chanchal Kumar Ganguli, learned counsel appearing for the State of West Bengal, submit that the Central Government has deployed only seven companies as of now.

6. Mr. K.K. Venugopal, learned Attorney General, after obtaining instructions from Mr. R.K. Mitra, Joint Secretary, Department of Home, Ministry of Home Affairs, Government of India, has submitted in unequivocal and uncertain terms that eleven companies have already been deployed to the State of West Bengal.

It is his further submission that four additional companies shall be deployed so that smooth functioning of vehicular movement is secured and no harm or danger is caused to life and property.

7. Ordinarily so saying, we would have closed the case, but we are obliged to say that the Central Government shall carry out the obligations that has been stated before this Court and the entire administration of the State of West Bengal shall provide all the requisite support so that peace is continuously maintained in the areas of Darjeeling and Kalimpong districts. Needless to say, the eleven companies that have been deployed and the four additional companies which are going to be deployed shall only be utilized by the State of West Bengal for the purpose of keeping law and order situation regard being had to its primacy in these two districts, namely, Darjeeling and Kalimpong. The companies shall not be used or diverted for any other purpose.

8. It is apposite to state here that, the citizens of these districts must understand that sustenance of law and order or living in peace is the hall mark of progressive civilization and reflective of the accentuated culture and, therefore, they shall also treat it as a part of their duty that free flow of peaceable life is not in any way jeopardized or affected.

9. The writ petition is, accordingly disposed of.